

**OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA**

THIRTY-FIFTH DAY'S PROCEEDINGS

**Thirtieth Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Wednesday, June 2, 2004

The Senate was called to order at 2:00 o'clock P.M., by Hon. Donald E. Hines, President of the Senate.

ROLL CALL

The roll was called with the following result:

PRESENT

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—39		

ABSENT

Total—0

The President of the Senate announced there were 39 Senators present and a quorum.

Prayer

The prayer was offered by Father Tellerin, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Theunissen, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

Messages from the Governor

The following messages from the Governor were received and read as follows:

STATE OF LOUISIANA
Office of the Governor

June 2, 2004

The Honorable President and Members of the Senate

Ladies and Gentlemen:

I have appointed the following persons on the attached list to the offices indicated.

In compliance with Article IV, Section 5(H)(3) of the Louisiana Constitution of 1974, I do hereby present these names for your review.

Sincerely,
KATHLEEN BABINEAUX BLANCO
Governor

Atchafalaya Basin Levee District Board of Commissioners

Daniel H. Hebert
Jackie P. Judice

**Law Enforcement and Administration of Criminal Justice,
Louisiana Commission on**
Michael A. Ranatza

Oilfield Site Restoration Commission
James L. O'Brien

**Privilege Report of the
Legislative Bureau**

June 2, 2004

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following report:

The following bills are approved as to construction and duplication. We advise and suggest the following amendments to the engrossed bills.

HOUSE BILL NO. 6—
BY REPRESENTATIVE FAUCHEUX
AN ACT

To enact R.S. 17:85.5, relative to naming a gymnasium; to authorize the parish school board in certain parishes to name a gymnasium in honor of a former school board member; to provide limitations; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 32—
BY REPRESENTATIVES MARTINY, BALDONE, AND BRUNEAU
AN ACT

To amend and reenact R.S. 17:3048.1(A)(1)(e)(xii), to provide relative to Tuition Opportunity Program for Students high school core curriculum requirements for certain awards; to

provide for applicability; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 50—

BY REPRESENTATIVE CROWE

AN ACT

To provide relative to speed limits; to require the Department of Transportation and Development to make a final decision regarding the maximum speed limit along certain interstate highways; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 63—

BY REPRESENTATIVES ERDEY AND SMILEY

AN ACT

To enact R.S. 33:2711.20, relative to municipal sales and use taxes; to authorize the governing authority of the town of Springfield to levy and collect an additional sales and use tax; to provide for voter approval; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 102—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To enact R.S. 33:1448.1, relative to the payment of group insurance premiums for retired sheriffs and deputy sheriffs in Bossier Parish; to create a permanent fund; to require the depositing of certain monies into the fund; to provide for investment of monies in the fund; to authorize the withdrawal of earnings; to provide for limitations on appropriations from the fund; to provide for audits of the fund; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 106—

BY REPRESENTATIVE FARRAR

AN ACT

To amend and reenact R.S. 34:851.31(A)(1) and to enact R.S. 34:851.27(C), relative to speed limits on waterways; to establish "no-wake" zones around public boat launches and public and commercial docking facilities; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 117—

BY REPRESENTATIVE JACK SMITH

AN ACT

To amend and reenact R.S. 56:8(28.1) and 320(B)(3), relative to crab traps; to provide that only crab traps located south of the northern bank of the Intracoastal Waterway must be marked with floats; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 175—

BY REPRESENTATIVE HAMMETT

AN ACT

To enact R.S. 33:2711.20, relative to the town of Lake Providence; to authorize the governing authority of the town to levy and collect an additional sales and use tax; to provide for voter approval; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 177—

BY REPRESENTATIVES MONTGOMERY AND JANE SMITH

AN ACT

To enact R.S. 17:2138(C), to provide for the applicability of certain requirements for admission to Louisiana public colleges and universities, including minimum scores on specified tests; to provide for effectiveness; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 201—

BY REPRESENTATIVES DARTEZ AND ST. GERMAIN

AN ACT

To amend and reenact R.S. 56:305(B)(4)(f) and 322.2(G), relative to use of shad gill nets; to authorize such use in certain waterbodies; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 246—

BY REPRESENTATIVES DANIEL, JACKSON, DORSEY, AND SCALISE

AN ACT

To enact R.S. 47:463.126 and 463.127, relative to motor vehicles; to provide relative to license plates; to create the Louisiana State University National Champions and the Southern University Black College National Champions prestige license plates; to provide for the issuance of such plates; to provide for the design and color of such plates; to provide relative to the fees for such plates, including a royalty fee for the use of the organizational design and logo on such plates; to designate the use of such royalty fees; to authorize the promulgation of rules and regulations; to require a contract relative to royalty fees; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 251—

BY REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 33:4574.13(A) and (C)(1)(e), relative to the Madison Parish Tourism Commission; to authorize the commission to levy a hotel occupancy tax without voter approval; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 270—

BY REPRESENTATIVE PITRE

AN ACT

To amend and reenact R.S. 33:4574.1-A(A)(3), relative to the Lafourche Parish Tourist Commission; to provide relative to the hotel occupancy tax levied by the commission; to provide relative to the definition of the term "hotel" as it applies in Lafourche Parish; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 415—

BY REPRESENTATIVE JACK SMITH

AN ACT

To amend and reenact R.S. 56:305.6, relative to moratoriums on the purchase of crab trap gear licenses; to institute a moratorium from January 1, 2005 through December 31, 2005; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 417—

BY REPRESENTATIVE RICHMOND

AN ACT

To enact R.S. 33:9078, relative to the Kenilworth Improvement District; to create and provide with respect to such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for imposition and collection of a parcel fee and for the use thereof; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 486—

BY REPRESENTATIVE MCDONALD

AN ACT

To amend and reenact R.S. 17:3098(B)(2) and to repeal R.S. 17:3095(A)(1)(c), relative to the Louisiana Tuition Trust Authority; to provide for the payment of refunds upon termination of an education savings account; to repeal the requirement that education savings accounts shall be invested in either fixed earnings or variable earnings, but not both; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 691—

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 23:215(A), (B), and (D) and to enact R.S. 23:215(E) and (F), relative to the employment of minors; to provide work hours for minors; to provide for written parental consent; to define "school day"; to provide for minors with equivalency diplomas; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 789—

BY REPRESENTATIVE FUTRELL

AN ACT

To amend and reenact R.S. 32:387(J)(1), relative to special permits; to provide relative to special container permits issued by the Department of Transportation and Development; to provide relative to certain requirements for issuance of such permits; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 821—

BY REPRESENTATIVE HUNTER

AN ACT

To amend and reenact R.S. 23:1163(B) and to enact R.S. 23:1163(D), relative to workers' compensation; to provide for civil penalties against employers; to provide for exceptions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 849—

BY REPRESENTATIVE FARRAR

AN ACT

To enact R.S. 56:109.1, relative to wildlife management areas; to provide for the use of all-terrain vehicle trails in such areas year round; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 899—

BY REPRESENTATIVE GALLOT

AN ACT

To amend and reenact R.S. 17:3390(B)(introductory paragraph), (2), and (3) and (D), relative to nonprofit corporations which support public higher education institutions; to provide that the definition of a nonprofit corporation that is not public or quasi public includes certain nonprofit corporations whose primary purpose is to finance the design, construction, renovation, or equipping of facilities; to provide relative to auditing of such nonprofit corporations; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 899 by Representative Gallot

AMENDMENT NO. 1

On page 2, between lines 20 and 21, insert "* * *"

HOUSE BILL NO. 904—

BY REPRESENTATIVES HAMMETT AND FUTRELL

AN ACT

To enact R.S. 47:463.2.1 and 463.126, relative to motor vehicle license plates; to provide for creation of a NASCAR special prestige license plate; to provide relative to the design and color of such plate; to authorize the commissioner of motor vehicles to enter into an agreement with the supplier of such plate; to provide relative to the fees for such plate; to authorize promulgation of rules and regulations; to require issuance of

plates established for veterans and military personnel; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 904 by Representative Hammett

In Senate Committee Amendment No. 3 proposed by the Senate Committee on Transportation, Highways, and Public Works and adopted by the Senate on June 1, 2004, on line 8 after "supplier" and before "delete" insert a period "." and"

HOUSE BILL NO. 907—

BY REPRESENTATIVE HUNTER
AN ACT

To amend and reenact R.S. 23:1034.2(C), relative to workers' compensation medical reimbursement schedule; to allow the director to collect charge information; to provide for guidelines; to provide for confidentiality; to provide for penalties; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 907 by Representative Hunter

AMENDMENT NO. 1

On page 2, line 13, change "records" to "record"

HOUSE BILL NO. 948—

BY REPRESENTATIVE T. POWELL
AN ACT

To amend and reenact R.S. 33:1704.2(C), relative to the marshal of the city of Hammond; to authorize the marshal to use fees of office to defray operational expenses of his office; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 952—

BY REPRESENTATIVE FRITH
AN ACT

To amend and reenact R.S. 46:1053(K)(2), relative to Hospital Service District No. 1 of the parish of Vermilion; to increase the maximum per diem authorized to be paid to members of the board of commissioners of the district; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 955—

BY REPRESENTATIVES DURAND, DARTEZ, FRITH, ROMERO,
AND JACK SMITH AND SENATORS HINES AND ROMERO
AN ACT

To amend and reenact R.S. 40:2267.4 and to enact R.S. 40:2267, relative to the Acadiana Criminalistics Laboratory District; to create the district as a taxing district for the purposes of funding the criminalistics laboratory within the district; to provide for

the governing body and boundaries of the district; to provide for the power to levy and collect taxes subject to approval of the voters of the district; to provide for additional powers of the Acadiana Criminalistics Laboratory Commission; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 967—

BY REPRESENTATIVE FLAVIN
AN ACT

To enact R.S. 33:9038.25, relative to the city of Lake Charles; to authorize the governing authority of the city to create a special taxing district; to provide relative to the purpose and boundaries of the district; to provide relative to the governance, powers, and duties of the district; to provide relative to taxes authorized to be levied by the district; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 968—

BY REPRESENTATIVE FANNIN
AN ACT

To enact Chapter 25-A of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:1215.1 through 1215.6, relative to museum boards; to authorize the governing authority of the parish of Jackson to create a museum board; to provide relative to the purpose, membership, and powers of the board; to provide relative to board funding; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 991—

BY REPRESENTATIVE FUTRELL
AN ACT

To enact R.S. 32:414.2(A)(9), relative to commercial driver's licenses; to provide relative to operating records of commercial drivers; to require certain violations and judgments be included on a commercial motor vehicle driver's operating record; to provide relative to the definition of "conviction"; to provide relative to certain notice requirements; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 991 by Representative Futrell

In Senate Committee Amendment No. 1 proposed by the Senate Committee on Transportation, Highways, and Public Works and adopted by the Senate on June 1, 2004, on line 7, change "and/or" to "or"

HOUSE BILL NO. 1023—

BY REPRESENTATIVE QUEZAIRE
AN ACT

To amend and reenact R.S. 32:420, relative to driver's license requirements; to provide for certain exemptions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1119—
BY REPRESENTATIVE MONTGOMERY
AN ACT

To enact R.S. 33:2551.1, relative to the municipal fire and police civil service; to provide with respect to promotional employment lists of certain municipal fire and police civil service boards; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1146—
BY REPRESENTATIVES LAFLEUR AND HUDSON
AN ACT

To amend and reenact R.S. 34:1451(A)(1)(a), (b), and (c), relative to the Greater Krotz Springs Port Commission; to provide with respect to the residency requirements of certain members of the Greater Krotz Springs Port Commission; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1150—
BY REPRESENTATIVE MONTGOMERY
AN ACT

To enact Paragraph 21(k) of Article XIV, Section 15.1 of the Louisiana Constitution of 1921, made statutory by Article X, Section 18 of the Louisiana Constitution of 1974, and R.S. 33:2491.3, relative to the municipal fire and police civil service; to provide with respect to promotional employment lists of municipal fire and police civil service boards; to provide an exception to Article XIV, Section 15.1, Paragraph 21 of the Louisiana Constitution of 1921, made statutory by the provisions of Article X, Section 18 of the Louisiana Constitution of 1974; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1239—
BY REPRESENTATIVE DOWNS
AN ACT

To enact Subpart B-34 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.621.1, to create the Union Parish Railroad District; to provide relative to the purpose and boundaries of the district; to provide relative to the governance, powers, and duties of the district; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1292—
BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 32:771(1) and (15), relative to motorcycles and all-terrain vehicles; to revise the definition of all-terrain vehicle; to provide that the term "motorcycle" shall not include electric-powered scooters; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1313—
BY REPRESENTATIVE MCDONALD
AN ACT

To enact R.S.33:9033.4, relative to special districts; to create the City of Bastrop Special District; to provide for the powers and duties of the district, including the power to engage in tax increment financing; to provide for the governance of the district; to provide for the boundaries of the district; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1319—
BY REPRESENTATIVE TRICHE
AN ACT

To amend and reenact R.S. 56:6(30), relative to private ownership of certain animals; to authorize the secretary to promulgate rules and regulations to prohibit exotic big cats such as tigers, lions, leopards, and jaguars from being imported or privately owned; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1329—
BY REPRESENTATIVES THOMPSON AND HAMMETT
AN ACT

To enact Subpart F-1 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:140.71 through 140.79, relative to railroads; to authorize two or more parishes to create a railroad development district; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1354—
BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 32:773.1(A)(2)(o), 773.2(B) and (F)(1), and 775(A)(7)(introductory paragraph), (8), and (9) and (B) and to enact R.S. 32:775(A)(10), relative to used motor vehicle dealers and marine dealers; to provide relative to certain area of responsibility provisions; to provide for certain penalties for marine dealers; to provide for the commencement period for certain penalties; to provide relative to licensing procedures; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 1354 by Representative Pinac

AMENDMENT NO. 1

In Senate Committee Amendment No. 7 proposed by the Senate Committee on Transportation, Highways, and Public Works and adopted by the Senate on June 1, 2004, on page 2, line 23, change "and/or" to "or"

AMENDMENT NO. 2

In Senate Committee Amendment No. 11 proposed by the Senate Committee on Transportation, Highways, and Public Works and

adopted by the Senate on June 1, 2004, on line 53 change "and/or" to "or"

HOUSE BILL NO. 1356—

BY REPRESENTATIVE SHEPHERD
AN ACT

To enact R.S. 23:1205(C), relative to workers' compensation; to require health care benefits providers to pay medical expenses under certain circumstances; to provide for penalties and attorney fees; to provide for the recovery of paid medical expenses; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1374—

BY REPRESENTATIVE JACK SMITH
AN ACT

To enact R.S. 56:303(F), relative to commercial fishing; to provide for a senior commercial fishing license for persons sixty-five and older; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1378—

BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 32:756(B), 771(22)(a)(i), 772(A)(1), 774(G)(1), and 780(B) and R.S. 36:4.1(D)(14) and to enact R.S. 32:771(22)(b)(vi) and 774.1, relative to used motor vehicle dealers; to provide for expiration of license of automotive dismantler and parts recycler; to provide for auctioning of used cars; to rename the Louisiana Used Motor Vehicle and Parts Commission to the Recreational and Used Motor Vehicle Commission; to provide relative to certain license fees; to create the rent with option-to-purchase program; to provide relative to certain penalties; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1456—

BY REPRESENTATIVES PIERRE, DANIEL, FRITH, MORRISH, AND JACK SMITH
AN ACT

To amend and reenact R.S. 56:109(D)(5) and 647.1 and to enact R.S. 56:104(D) and 302.2(C), relative to hunting and fishing licenses; to authorize exemptions from certain licensing requirements; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1467—

BY REPRESENTATIVE PIERRE
AN ACT

To amend and reenact R.S. 56:25 and to repeal R.S. 56:26, 644, and 645, relative to fish and wildlife restoration and management projects; to specify that the department will adhere to the provisions of federal law which govern the use of federal funds for fish and wildlife habitat restoration projects; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1469—

BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact R.S. 32:402.1(A)(2)(g), relative to drivers' licenses; to authorize an increase in the fee charged for a prelicensing training course; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1475—

BY REPRESENTATIVE WALSWORTH
AN ACT

To amend and reenact R.S. 38:2242(A), relative to the Public Works Act; to provide for the definition of "claimant"; to include person to whom money is due for movables leased or rented to contractors and subcontractors; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1516—

BY REPRESENTATIVE BALDONE
AN ACT

To enact R.S. 56:499(D), relative to shrimp nets; to provide for the relative location of stationary shrimp nets; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1531—

BY REPRESENTATIVE M. GUILLORY
AN ACT

To amend and reenact R.S. 32:381(A), relative to the height of vehicles; to increase the maximum allowable height of vehicles; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1555—

BY REPRESENTATIVE WALSWORTH
AN ACT

To authorize and provide for the transfer of certain state property in Ouachita Parish to the governing authority of Ouachita Parish; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1560—

BY REPRESENTATIVE CROWE
AN ACT

To authorize and provide for the transfer of certain state property in St. Tammany Parish to the St. Tammany Parish School Board; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1583—

BY REPRESENTATIVE GRAY
AN ACT

To enact R.S. 40:506(D), relative to termination of tenancy by local housing authorities; to prohibit a local housing authority from terminating the tenancy of a household or a resident or terminating any other assistance provided by the authority

under certain circumstances; to provide relative to guests and invitees; to provide relative to definitions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1590—
BY REPRESENTATIVE QUEZAIRE
AN ACT

To amend and reenact R.S. 38:2212(A)(3)(g), relative to public contracts; to provide relative to contracts for construction management; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1593—
BY REPRESENTATIVE KENNARD
AN ACT

To amend and reenact R.S. 32:1728.2, relative to disposal of motor vehicles; to provide relative to the definition of junk vehicles; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1594—
BY REPRESENTATIVE PITRE
AN ACT

To amend and reenact R.S. 48:231, relative to the state highway system; to provide relative to public hearings in each highway district; to require the Joint Highway Priority Construction Committee to conduct such hearings; to provide relative to the membership of such committee; to provide relative to the presiding officer of such committee; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1621—
BY REPRESENTATIVE ODINET
AN ACT

To enact R.S. 56:123, relative to killing animals; to prohibit killing zoo or circus animals for sport; to provide for violations; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1637—
BY REPRESENTATIVES STRAIN AND SMILEY
AN ACT

To enact R.S. 32:774.1, relative to used motor vehicles; to prohibit the sale of used motor vehicles by certain unlicensed dealers; to provide for penalties; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1660—
BY REPRESENTATIVES BROOME, JACKSON, AND DANIEL
AN ACT

To amend and reenact the heading of Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950 and R.S. 33:9038.1(3), relative to cooperative economic development and tax increment financing; to change population restrictions in the

definition of a local governmental subdivision to which certain provisions are applicable; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
ARTHUR J. "ART" LENTINI
Chairman

Adoption of Legislative Bureau Report

On motion of Senator Lentini, the Legislative Bureau amendments were adopted and the Bills and Joint Resolutions were read by title and passed to a third reading.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS**

June 2, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 37—
BY REPRESENTATIVE BALDONE
AN ACT

To amend and reenact R.S. 40:981.3(E), relative to drug-free zone; to provide that sentences imposed pursuant to the drug free zone provisions shall be served without benefit of suspension of sentence; and to provide for related matters.

HOUSE BILL NO. 1437—
BY REPRESENTATIVE STRAIN
AN ACT

To enact R.S. 40:983.1, relative to controlled dangerous substances; to create the crime of the creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance on or within one thousand feet of school property; to provide for definitions; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 1666—
BY REPRESENTATIVE DANIEL
AN ACT

To amend and reenact R.S. 30:213(A), relative to geophysical surveys and information; to provide for ownership of the data gathered through such surveys; and to provide for related matters.

HOUSE BILL NO. 984—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 11:1423(C), relative to the Louisiana Assessors' Retirement Fund; to provide relative to retirement options; to provide relative to option reductions; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 340—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact Code of Criminal Procedure Article 326(B), relative to bail; to provide for the cancellation of the bail bond in felony cases upon entry of a plea of guilty or nolo contendere; and to provide for related matters.

HOUSE BILL NO. 394—

BY REPRESENTATIVE MURRAY

AN ACT

To amend and reenact R.S. 13:2500(C), relative to the jurisdiction of the Municipal Court of New Orleans; to increase the monetary penalty which may be imposed for the violation of a municipal ordinance; and to provide for related matters.

HOUSE BILL NO. 403—

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 15:85.1(A)(2)(a) and (d), relative to posting of criminal bonds; to provide for the distribution of fees assessed in connection with criminal bonds posted in each parish; and to provide for related matters.

HOUSE BILL NO. 1034—

BY REPRESENTATIVE DOVE

AN ACT

To enact R.S. 49:214.8, relative to state funds; to create the Barrier Island Stabilization and Preservation Fund as a special fund in the state treasury; to provide for the deposit, use, and investment of monies in the fund; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 1162—

BY REPRESENTATIVE DOVE

AN ACT

To enact R.S. 9:2800.14, relative to a limitation of civil liability; to provide for a limitation of liability for damages to oyster leases from the transportation of materials to and from a certain location along an approved water route; and to provide for related matters.

HOUSE BILL NO. 1272—

BY REPRESENTATIVE M. POWELL

AN ACT

To amend and reenact R.S. 15:144(B), relative to judicial district indigent defender boards; to provide with respect to membership; to provide with respect to nominating a person to an indigent defender board; to provide with respect to the selection of board members; and to provide for related matters.

HOUSE BILL NO. 1417—

BY REPRESENTATIVE TOOMY

AN ACT

To amend and reenact R.S. 4:739(A)(3)(a), (E)(1), and (F), relative to electronic bingo card dabber devices; to authorize the office of charitable gaming to establish and collect a fee of not more than eight percent of the lease or rental price of electronic dabber devices; to allow electronic dabber devices to be used with paper other than disposable paper if approved by the office; to provide that electronic dabber devices may be used without purchasing disposable bingo paper; to provide for the adoption of rules to govern the specifications, use, and operation of electronic dabber devices; to provide for the establishment of a list of manufacturers, distributors, and suppliers of electronic dabber devices; and to provide for related matters.

HOUSE BILL NO. 1659—

BY REPRESENTATIVE K. CARTER

AN ACT

To enact R.S. 17:10.6, relative to school and district accountability; to provide for the status of a city, parish, or other local public school system which is academically in crisis; to provide for notice of the status; to provide for the powers of the school board of such a system; to provide for the powers of the school superintendent of such a system; to provide for definitions and audit and accounting requirements; and to provide for related matters.

HOUSE BILL NO. 1718 (Substitute for House Bill No. 1606 by Representative G. Smith)—

BY REPRESENTATIVE GARY SMITH

AN ACT

To amend and reenact R.S. 47:1852(B), 1852.1, and 1856(A)(1) and to enact R.S. 47:1856(G), relative to the assessment of public service properties for ad valorem taxation; to specify filing requirements for certain reports; to increase the penalty for failure to timely file reports; to specify procedures for protesting assessments; and to provide for related matters.

HOUSE BILL NO. 1260—

BY REPRESENTATIVE CAZAYOUX

AN ACT

To enact R.S. 32:200 and 300.2, relative to motor vehicles; to prohibit the operation of certain motor scooters on sidewalks; to provide for certain exceptions; to provide relative to electric personal assistive mobility devices; to provide relative to the operation of such devices; and to provide for related matters.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

**House Bills and Joint Resolutions
on First Reading**

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE BILL NO. 37—
BY REPRESENTATIVE BALDONE
AN ACT

To amend and reenact R.S. 40:981.3(E), relative to drug-free zone; to provide that sentences imposed pursuant to the drug free zone provisions shall be served without benefit of suspension of sentence; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 340—
BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact Code of Criminal Procedure Article 326(B), relative to bail; to provide for the cancellation of the bail bond in felony cases upon entry of a plea of guilty or nolo contendere; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 394—
BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 13:2500(C), relative to the jurisdiction of the Municipal Court of New Orleans; to increase the monetary penalty which may be imposed for the violation of a municipal ordinance; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 403—
BY REPRESENTATIVE DANIEL
AN ACT

To amend and reenact R.S. 15:85.1(A)(2)(a) and (d), relative to posting of criminal bonds; to provide for the distribution of fees assessed in connection with criminal bonds posted in each parish; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 984—
BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 11:1423(C), relative to the Louisiana Assessors' Retirement Fund; to provide relative to retirement options; to provide relative to option reductions; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1034—
BY REPRESENTATIVE DOVE
AN ACT

To enact R.S. 49:214.8, relative to state funds; to create the Barrier Island Stabilization and Preservation Fund as a special fund in the state treasury; to provide for the deposit, use, and investment of monies in the fund; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1162—
BY REPRESENTATIVE DOVE
AN ACT

To enact R.S. 9:2800.14, relative to a limitation of civil liability; to provide for a limitation of liability for damages to oyster leases from the transportation of materials to and from a certain location along an approved water route; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1260—
BY REPRESENTATIVE CAZAYOUX
AN ACT

To enact R.S. 32:200 and 300.2, relative to motor vehicles; to prohibit the operation of certain motor scooters on sidewalks; to provide for certain exceptions; to provide relative to electric personal assistive mobility devices; to provide relative to the operation of such devices; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1272—
BY REPRESENTATIVE M. POWELL
AN ACT

To amend and reenact R.S. 15:144(B), relative to judicial district indigent defender boards; to provide with respect to membership; to provide with respect to nominating a person to an indigent defender board; to provide with respect to the selection of board members; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1417—
BY REPRESENTATIVE TOOMY
AN ACT

To amend and reenact R.S. 4:739(A)(3)(a), (E)(1), and (F), relative to electronic bingo card dabber devices; to authorize the office of charitable gaming to establish and collect a fee of not more than eight percent of the lease or rental price of electronic dabber devices; to allow electronic dabber devices to be used with paper other than disposable paper if approved by the office; to provide that electronic dabber devices may be used without purchasing disposable bingo paper; to provide for the adoption of rules to govern the specifications, use, and operation of electronic dabber devices; to provide for the establishment of a list of manufacturers, distributors, and suppliers of electronic dabber devices; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1437—
BY REPRESENTATIVE STRAIN
AN ACT

To enact R.S. 40:983.1, relative to controlled dangerous substances; to create the crime of the creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance on or within one thousand feet of school property; to provide for definitions; to provide for penalties; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1659—

BY REPRESENTATIVE K. CARTER
AN ACT

To enact R.S. 17:10.6, relative to school and district accountability; to provide for the status of a city, parish, or other local public school system which is academically in crisis; to provide for notice of the status; to provide for the powers of the school board of such a system; to provide for the powers of the school superintendent of such a system; to provide for definitions and audit and accounting requirements; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1666—

BY REPRESENTATIVE DANIEL
AN ACT

To amend and reenact R.S. 30:213(A), relative to geophysical surveys and information; to provide for ownership of the data gathered through such surveys; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1718 (Substitute for House Bill No. 1606 by Representative G. Smith)—

BY REPRESENTATIVE GARY SMITH
AN ACT

To amend and reenact R.S. 47:1852(B), 1852.1, and 1856(A)(1) and to enact R.S. 47:1856(G), relative to the assessment of public service properties for ad valorem taxation; to specify filing requirements for certain reports; to increase the penalty for failure to timely file reports; to specify procedures for protesting assessments; and to provide for related matters.

The bill was read by title; lies over under the rules.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

June 2, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 235—

BY REPRESENTATIVE DORSEY
A CONCURRENT RESOLUTION

To commend Richard Joseph Catalon, Sr. of Lafayette posthumously upon the special presentation in his honor on Creole Culture Day on June 5, 2004, at Vermilionville in Lafayette.

HOUSE CONCURRENT RESOLUTION NO. 238—

BY REPRESENTATIVE DORSEY
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Hardee Moseley Schmidt.

HOUSE CONCURRENT RESOLUTION NO. 240—

BY REPRESENTATIVES LAMBERT, QUEZAIRE, AND SMILEY AND
SENATOR AMEDEE

A CONCURRENT RESOLUTION

To commend the Dutchtown High School Lady Griffin gymnastics team upon winning the state championship.

HOUSE CONCURRENT RESOLUTION NO. 236—

BY REPRESENTATIVE DORSEY
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Ann Bryan.

HOUSE CONCURRENT RESOLUTION NO. 239—

BY REPRESENTATIVE DORSEY
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Donna Bennett Johnston.

HOUSE CONCURRENT RESOLUTION NO. 242—

BY REPRESENTATIVE MARTINY
A CONCURRENT RESOLUTION

To declare June 8, 2004, as Boys and Girls Club Day in the state of Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 245—

BY REPRESENTATIVE THOMPSON
A CONCURRENT RESOLUTION

To commend Dr. William H. Brown upon his retirement after providing more than twenty-eight years of dedicated service to the Louisiana State University System.

HOUSE CONCURRENT RESOLUTION NO. 247—

BY REPRESENTATIVE KENNARD
A CONCURRENT RESOLUTION

To commend Gayle Hatch of Baton Rouge upon his selection as coach of the men's 2004 United States Olympic Weightlifting Team.

HOUSE CONCURRENT RESOLUTION NO. 248—

BY REPRESENTATIVE DORSEY
A CONCURRENT RESOLUTION

To commend Garret Douget for his heroism and courage while assisting in the detainment of a suspected shoplifter at a Baton Rouge store.

HOUSE CONCURRENT RESOLUTION NO. 249—

BY REPRESENTATIVE DORSEY
A CONCURRENT RESOLUTION

To commend Stanford Wilson for his heroism and courage displayed while assisting in the detainment of a shoplifting suspect at a Baton Rouge store.

HOUSE CONCURRENT RESOLUTION NO. 250—

BY REPRESENTATIVE BROOME
A CONCURRENT RESOLUTION

To recognize Delta Sigma Theta Sorority, Inc., and its support for legislation which provides affordable health insurance for all uninsured adults in Louisiana.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Senator Ellington in the Chair

House Concurrent Resolutions

Senator Bajoie asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 235— BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To commend Richard Joseph Catalon, Sr. of Lafayette posthumously upon the special presentation in his honor on Creole Culture Day on June 5, 2004, at Vermilionville in Lafayette.

The resolution was read by title. Senator Michot moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Malone
Adley	Ellington	Marionneaux
Amedee	Fontenot	Michot
Bajoie	Gautreaux, B	Mount
Barham	Gautreaux, N	Nevers
Boasso	Hainkel	Romero
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cheek	Jackson	
Cravins	Kostelka	
Total—28		

NAYS

Total—0

ABSENT

Boissiere	Heitmeier	McPherson
Duplessis	Irons	Theunissen
Dupre	Jones	Ullo
Fields	Lentini	
Total—11		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 236— BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Ann Bryan.

The resolution was read by title. Senator Holden moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Malone
Adley	Ellington	Marionneaux
Amedee	Fontenot	Michot
Bajoie	Gautreaux, B	Mount
Barham	Gautreaux, N	Nevers
Boasso	Hainkel	Romero
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cheek	Jackson	
Cravins	Kostelka	
Total—28		

NAYS

Total—0

ABSENT

Boissiere	Heitmeier	McPherson
Duplessis	Irons	Theunissen
Dupre	Jones	Ullo
Fields	Lentini	
Total—11		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 238— BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Hardee Moseley Schmidt.

The resolution was read by title. Senator Holden moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Malone
Adley	Ellington	Marionneaux
Amedee	Fontenot	Michot
Bajoie	Gautreaux, B	Mount
Barham	Gautreaux, N	Nevers
Boasso	Hainkel	Romero
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cheek	Jackson	
Cravins	Kostelka	
Total—28		

NAYS

Total—0

ABSENT

Boissiere	Heitmeier	McPherson
Duplessis	Irons	Theunissen
Dupre	Jones	Ullo
Fields	Lentini	
Total—11		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 239—
BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Donna Bennett Johnston.

The resolution was read by title. Senator Holden moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Cravins	Jackson
Adley	Dardenne	Kostelka
Amedee	Ellington	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cheek	Irons	Smith
Total—30		

NAYS

Total—0

ABSENT

Duplessis	Heitmeier	McPherson
Dupre	Jones	Theunissen
Fields	Lentini	Ullo
Total—9		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 240—
BY REPRESENTATIVES LAMBERT, QUEZAIRE, AND SMILEY AND SENATOR AMEDEE

A CONCURRENT RESOLUTION

To commend the Dutchtown High School Lady Griffin gymnastics team upon winning the state championship.

The resolution was read by title. Senator Amedee moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Kostelka
Amedee	Duplessis	Malone
Bajoie	Ellington	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux, B	Nevers
Boissiere	Hainkel	Romero
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cheek	Irons	Theunissen
Cravins	Jackson	
Total—29		

NAYS

Total—0

ABSENT

Adley	Heitmeier	McPherson
Dupre	Jones	Ullo
Fields	Lentini	
Gautreaux, N	Marionneaux	
Total—10		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 242—
BY REPRESENTATIVE MARTINY

A CONCURRENT RESOLUTION

To declare June 8, 2004, as Boys and Girls Club Day in the state of Louisiana.

The resolution was read by title. Senator Michot moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Jackson
Amedee	Duplessis	Kostelka
Bajoie	Ellington	Malone
Barham	Fontenot	Michot
Boasso	Gautreaux, B	Mount
Boissiere	Gautreaux, N	Nevers
Cain	Hainkel	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Total—30		

NAYS

Total—0

ABSENT

Adley	Heitmeier	Marionneaux
Dupre	Jones	McPherson
Fields	Lentini	Ullo
Total—9		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 245—

BY REPRESENTATIVE THOMPSON

A CONCURRENT RESOLUTION

To commend Dr. William H. Brown upon his retirement after providing more than twenty-eight years of dedicated service to the Louisiana State University System.

The resolution was read by title. Senator Ellington moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Jones
Adley	Duplessis	Kostelka
Amedee	Ellington	Marionneaux
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Boissiere	Hainkel	Romero
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cheek	Irons	Theunissen
Cravins	Jackson	
Total—32		

NAYS

Total—0

ABSENT

Dupre	Lentini	Ullo
Fields	Malone	
Heitmeier	McPherson	
Total—7		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 247—

BY REPRESENTATIVE KENNARD

A CONCURRENT RESOLUTION

To commend Gayle Hatch of Baton Rouge upon his selection as coach of the men's 2004 United States Olympic Weightlifting Team.

The resolution was read by title. Senator Holden moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Jones
Adley	Duplessis	Kostelka
Amedee	Ellington	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cheek	Irons	Smith
Cravins	Jackson	Theunissen
Total—33		

NAYS

Total—0

ABSENT

Dupre	Heitmeier	McPherson
Fields	Lentini	Ullo
Total—6		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 248—

BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To commend Garret Douget for his heroism and courage while assisting in the detainment of a suspected shoplifter at a Baton Rouge store.

The resolution was read by title. Senator Holden moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Kostelka
Adley	Dupre	Malone
Amedee	Ellington	Marionneaux
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Boissiere	Hainkel	Romero
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cheek	Irons	Theunissen
Cravins	Jackson	
Dardenne	Jones	
Total—34		

NAYS

Total—0

ABSENT

Fields	Lentini	Ullo
Heitmeier	McPherson	
Total—5		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 249—
BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To commend Stanford Wilson for his heroism and courage displayed while assisting in the detainment of a shoplifting suspect at a Baton Rouge store.

The resolution was read by title. Senator Holden moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Kostelka
Adley	Dupre	Malone
Amedee	Ellington	Marionneaux
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Boissiere	Hainkel	Romero
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cheek	Irons	Theunissen
Cravins	Jackson	Ullo
Dardenne	Jones	
Total—35		

NAYS

Total—0

ABSENT

Fields	Lentini
Heitmeier	McPherson
Total—4	

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 250—
BY REPRESENTATIVE BROOME

A CONCURRENT RESOLUTION

To recognize Delta Sigma Theta Sorority, Inc., and its support for legislation which provides affordable health insurance for all uninsured adults in Louisiana.

The resolution was read by title. Senator Holden moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Kostelka
Adley	Dupre	Marionneaux
Amedee	Ellington	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux, B	Nevers
Boasso	Gautreaux, N	Romero
Boissiere	Hainkel	Schedler
Cain	Holden	Smith
Chaisson	Hollis	Theunissen
Cheek	Irons	Ullo
Cravins	Jackson	

Dardenne	Jones
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Total—34

NAYS

Total—0

ABSENT

Fields	Lentini	McPherson
Heitmeier	Malone	
Total—5		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

INSURANCE

Senator Cain, Chairman on behalf of the Committee on Insurance, submitted the following report:

June 2, 2004

To the President and Members of the Senate:

I am directed by your Committee on Insurance to submit the following report:

SENATE BILL NO. 409—
BY SENATOR BAJOE

AN ACT

To enact R.S. 22:215.26, relative to health insurance; to require that optional coverage of treatment for morbid obesity by certain health insurance policies, contracts, and plans be offered; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 591—
BY SENATOR CHEEK

AN ACT

To enact R.S. 22:11.1, relative to health insurance; to provide for a credentialing process for health insurance issuers who contract directly with health care providers for health care services; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 346—
BY REPRESENTATIVE K. CARTER

AN ACT

To amend and reenact R.S. 22:3041(I)(1), relative to third-party administrators; to provide for surety bonds; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 350—
BY REPRESENTATIVE K. CARTER

AN ACT

To amend and reenact R.S. 40:1429, relative to the insurance fraud investigation unit; to provide for the termination date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 446—
BY REPRESENTATIVE K. CARTER

AN ACT

To amend and reenact R.S. 22:2074.1 and to enact R.S. 22:1078(B)(21) and 2074(B)(4), relative to risk retention groups; to provide for fees; to provide for revocation or suspension; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 449—
BY REPRESENTATIVE K. CARTER

AN ACT

To amend and reenact R.S. 22:982(A)(13) and 983(E), relative to foreign and alien insurers; to provide for certificates of authority; to provide for transacting business; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 521—
BY REPRESENTATIVE K. CARTER

AN ACT

To amend and reenact R.S. 32:863.3, relative to property insurance; to provide with respect to issuance of an insurance policy covering a motorcycle; to provide for redesignation of provisions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 797—

BY REPRESENTATIVES TUCKER, K. CARTER, ERDEY, FUTRELL, JOHNS, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOUIN, BAYLOR, BROOME, BRUCE, BRUNEAU, BURNS, BURRELL, CROWE, CURTIS, DAMICO, DANIEL, DEWITT, DOERGE, DORSEY, DOVE, DURAND, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HILL, HONEY, HUTTER, JACKSON, JEFFERSON, KATZ, KENNEY, LABRUZZO, LANCASTER, MARCHAND, MARTINY, MCDONALD, MURRAY, PIERRE, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SALTER, SCALISE, SHEPHERD, GARYSMITH, JACKSMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, WALKER, WALSWORTH, AND WHITE

AN ACT

To enact R.S. 22:1425, relative to automobile liability insurance; to provide for active military personnel; to provide for premium discounts; to provide for rebates; to provide for rules and regulations; to provide for the authority of the commissioner of insurance; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 843—
BY REPRESENTATIVE TUCKER

AN ACT

To enact Part X-A of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:421 and 422, relative to health insurance issuers; to provide for limitations on the obligations of such issuers; to provide for rules and regulations to be adopted by the Department of Insurance; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1060—
BY REPRESENTATIVE WINSTON

AN ACT

To amend and reenact R.S. 22:228.6(B)(2)(b), relative to health insurance, to provide relative to premiums charged for individual health insurance policies or subscriber agreements; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1135—
BY REPRESENTATIVES LAFLEUR AND MURRAY

AN ACT

To amend and reenact R.S. 22:622.2, relative to automobile liability insurance; to provide for coverage; to provide for prohibitions on limitations; to provide for public policy; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1499—
BY REPRESENTATIVE FLAVIN

AN ACT

To amend and reenact R.S. 22:6(16)(a), relative to credit life, health, and accident insurance; to provide for requirements; to provide for credit obligations; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1514—

BY REPRESENTATIVE K. CARTER

AN ACT

To amend and reenact R.S. 22:1410(I) and to enact R.S. 22:1401.1, relative to rates for commercial lines of property and casualty insurance; to provide for file and use; to provide for the office of property and casualty; to provide for procedures; to provide for rules and regulations; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1618—

BY REPRESENTATIVE FAUCHEUX

AN ACT

To amend and reenact R.S. 22:192(A)(4), 1142(A)(7) and (18), 1241(B), 1241.1(C), 1760(A)(3), and 3044(B)(6), relative to licensing requirements; to provide for criminal convictions; to provide for denial, suspension, or revocation of licenses; to provide for certificates of authority; to provide for consultants; to provide for statements; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1716 (Substitute for House Bill No. 399 by Representative Johns)—

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 22:3078 and to enact R.S. 22:3080(E), relative to medical necessity review; to revise provisions relative to informal reconsideration and second level review of adverse determinations; and to provide for related matters.

Reported favorably.

Respectfully submitted,
JAMES DAVID CAIN
Chairman

REPORT OF COMMITTEE ON

REVENUE AND FISCAL AFFAIRS

Senator Mount, Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

June 1, 2004

To the President and Members of the Senate:

I am directed by your Committee on Revenue and Fiscal Affairs to submit the following report:

HOUSE BILL NO. 1181—

BY REPRESENTATIVES DANIEL AND BROOME

AN ACT

To amend and reenact R.S. 33:2881 and R.S. 47:2183(C)(1) and (E), relative to tax sales of immovable property and acquisition of adjudicated property from a political subdivision; to provide with respect to notice of sale by tax sale purchaser; to provide relative to the affidavit authorized to be filed by the purchaser or donee of property adjudicated to a political subdivision; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1309—

BY REPRESENTATIVE SHEPHERD

AN ACT

To enact R.S. 33:9029.2(D), relative to cooperative endeavor agreements; to require certain provisions requiring repayment of benefits received from the state; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1504—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To enact R.S. 39:1405.3, relative to the issuance of industrial revenue bonds; to require the approval of the issuance of such bonds by local governmental entities prior to State Bond Commission approval; to provide for an effective date; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
WILLIE MOUNT
Chairperson

REPORT OF COMMITTEE ON

HEALTH AND WELFARE

Senator McPherson, Chairman on behalf of the Committee on Health and Welfare, submitted the following report:

June 2, 2004

To the President and Members of the Senate:

I am directed by your Committee on Health and Welfare to submit the following report:

SENATE CONCURRENT RESOLUTION NO. 132—

BY SENATOR CHAISSON

A CONCURRENT RESOLUTION

To direct the governor of the state of Louisiana, the president of the Senate, and the speaker of the House of Representatives to, individually or jointly, take appropriate action to prohibit smoking throughout the state capitol thereby creating and declaring the capitol a "smoke-free" environment.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 128—

BY REPRESENTATIVES WINSTON, CURTIS, DOERGE, DORSEY, DURAND, GRAY, E. GUILLORY, KATZ, LABRUZZO, MCDONALD, STRAIN, WADDELL, AND WALKER

A CONCURRENT RESOLUTION

To continue the implementation of the "No Wrong Door" plan authorized by Act 726 of the 2003 Regular Session and in addition, to allow the Joint Legislative Committee on the Budget and any involved executive departments an opportunity to review the "No Wrong Door" plan and its implementation and provide written comments to the Department of Social Services by September, 2004.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 155—

BY REPRESENTATIVE BRUCE

A CONCURRENT RESOLUTION

To urge and request state agencies to participate in the Early Childhood Comprehensive Systems initiative to establish and promote early childhood development programs.

Reported favorably.

HOUSE BILL NO. 442—

BY REPRESENTATIVE GALLOT

AN ACT

To amend and reenact R.S. 37:2706(A)(2), 2707(A)(2), and 2708(A)(2), relative to social workers; to extend the time within which experienced social workers who graduated from nonaccredited schools can seek registration, certification, and licensure; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 569—

BY REPRESENTATIVE TRICHE

AN ACT

To amend and reenact R.S. 46:236.1.2(D) and to enact R.S. 46:236.1.2(K), relative to child support programs; to require private collection agencies to comply with certain federal laws; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 889—

BY REPRESENTATIVE GRAY

AN ACT

To amend and reenact R.S. 40:6(B) and (D)(introductory paragraph), relative to the sanitary code; to provide for the assessment of civil fines, injunctions, or both, for violations of the sanitary code; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 956—

BY REPRESENTATIVES DURAND AND DORSEY

AN ACT

To enact Chapter 16 of Title VII of the Children's Code, to be comprised of Articles 792 through 792.3, to authorize the creation of an early intervention pilot program for at-risk children and their families in certain parishes; to provide for program purposes; to provide for collaboration among district attorneys, local school boards, law enforcement agencies, and community service organizations in the development and implementation of such program; to provide relative to program funding, reporting, and termination; to provide relative to the Sixteenth Judicial District Attorney Early Intervention Fund; to provide for monies to be deposited in such fund; to provide for effectiveness; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1042—

BY REPRESENTATIVE TRICHE

AN ACT

To amend and reenact R.S. 28:621, relative to at-risk juveniles; to provide for the creation of pilot programs for children with developmental disabilities; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1065—

BY REPRESENTATIVE WALSWORTH

AN ACT

To amend and reenact R.S. 29:381, 385(A) and (C), and 386 and R.S. 36:781(B), relative to the Department of Veterans' Affairs; to provide for certain facilities for war veterans operated by the department; to change the name of such facilities; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1154—

BY REPRESENTATIVE DURAND

AN ACT

To amend and reenact Children's Code Article 603(3) and to repeal R.S. 46:1441.6(A), relative to child care; to relocate the responsibilities of the investigations of abuse and neglect; to change definitions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1217—

BY REPRESENTATIVE DURAND

AN ACT

To enact R.S. 40:2006(A)(2)(n) and Part VII-A of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2192 through R.S. 40:2192.4, relative to pediatric day health care facilities; to provide for licensing; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1264—

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 13:3715.1(J), relative to medical records; to provide for the exemption of the State Board of Physical Therapy Examiners from the requirement to subpoena medical records through notice or affidavit; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1402—

BY REPRESENTATIVES WALKER, DURAND, DORSEY, GLOVER, GRAY, KATZ, LABRUZZO, WALSWORTH, AND WINSTON

AN ACT

To enact R.S. 37:1226.2 and to repeal R.S. 37:1226.1, relative to prescription drugs; to provide for prescription drug returns and exchanges; to provide for redispensing; to provide for requirements of donations; to provide for the authority of the board to promulgate rules; to provide for limitations of liability; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1403—

BY REPRESENTATIVE GRAY

AN ACT

To amend and reenact R.S. 40:1058.2(A)(9), relative to substance abuse/addiction treatment facilities; to delete the requirement that rules and regulations contain procedures for annual on-site surveys and complaint investigations; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1569—

BY REPRESENTATIVE JACK SMITH

AN ACT

To enact R.S. 22:249, relative to health care access for the low-income uninsured; to authorize the establishment of community-based health care access programs; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1584—

BY REPRESENTATIVES RICHMOND, FRITH, AND JACKSON

AN ACT

To enact R.S. 40:1236.13(D) and (E), relative to automated external defibrillators; to require physical fitness facilities and institutions of higher education that compete in intercollegiate sport contests to have an automated external defibrillator on its premises; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1603—

BY REPRESENTATIVES MARCHAND AND MURRAY

AN ACT

To enact R.S. 40:1262, relative to smoking; to prohibit smoking in the Senator Nat G. Kiefer University of New Orleans Lakefront Arena; and to provide for related matters.

Reported favorably.

Respectfully submitted,
JOE MCPHERSON
Chairman

REPORT OF COMMITTEE ON

**COMMERCE, CONSUMER PROTECTION AND
INTERNATIONAL AFFAIRS**

Senator Hollis, Chairman on behalf of the Committee on Commerce, Consumer Protection and International Affairs, submitted the following report:

June 2, 2004

To the President and Members of the Senate:

I am directed by your Committee on Commerce, Consumer Protection and International Affairs to submit the following report:

SENATE BILL NO. 511—

BY SENATORS ELLINGTON, MICHOT AND SMITH AND
REPRESENTATIVE THOMPSON

AN ACT

To amend and reenact R.S. 36:802.3 and to enact R.S. 36:109(B)(3) and Part IV of Chapter 3 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:955 through 958, relative to the Department of Economic Development; to create the Louisiana Broadband Council and to provide for its transfer; to provide for legislative findings; to provide for definitions; to provide for the membership, terms, vacancies, and compensation of the Council; to provide for the duties of the Council and a strategic plan; to provide for assistance from other entities; to provide for the establishment of subcommittees; to provide for staff, consultants, and the utilization of monies; and to provide for related matters.

Reported by substitute.

SENATE BILL NO. 705—

BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 33:9106(A), 9109(B)(6), and 9109(C)(1), (4) and (7)(b), and Section 5(A)(1), (5) and (6) of Act No. 788 of the 1979 Regular Session of the Louisiana Legislature, as amended by Act 441 of the 1981 Regular Session, Act No. 7 of the 1982 Regular Session, Act 1241 of the 1995 Regular Session, and Act No. 1029 of the 1999 Regular Session, and to enact R.S. 33:9108(D), 9109(B)(10), (11) and (12) and 9110, and Section 5(A)(7) and (8) of Act No. 788 of the 1979 Regular Session of the Louisiana Legislature, as amended by Act 441 of the 1981 Regular Session, Act No. 7 of the 1982 Regular Session, Act 1241 of the 1995 Regular Session, and Act No. 1029 of the 1999 Regular Session, relative to communication districts; to provide for definitions; to provide for indemnification; to provide for assessment of prepaid wireless telephone service; to require multi-line phone systems to provide automatic number and location information; and to provide for related matters.

Reported by substitute.

HOUSE BILL NO. 120—

BY REPRESENTATIVE WALKER

AN ACT

To amend and reenact R.S. 51:411, relative to false advertising; to enhance the penalties for false advertising; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 276—

BY REPRESENTATIVE JACK SMITH

AN ACT

To repeal R.S. 6:1010, relative to the Louisiana Check-Cashing Law; to repeal the requirement of posting a surety bond.

Reported favorably.

HOUSE BILL NO. 623—

BY REPRESENTATIVES JEFFERSON AND THOMPSON
AN ACT

To amend and reenact R.S. 9:3571.1(H) and (L)(introductory paragraph) and to enact R.S. 9:3571.1(M) through (Y), relative to protection from identity theft; to provide for security freezes; to provide for definitions; to provide for the procedures for access after imposition and removal of security freezes; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 990—

BY REPRESENTATIVE BROOME
AN ACT

To amend and reenact R.S. 6:1009(A), relative to currency exchange services; to set maximum fees charged by check-cashers; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1092—

BY REPRESENTATIVE TRICHE
AN ACT

To amend and reenact R.S. 42:1303(6), relative to the Government Deferred Compensation Plan; to provide for certain powers and duties of the commission; to provide for benefits under the Deferred Compensation Plan; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1139—

BY REPRESENTATIVE HAMMETT
AN ACT

To amend and reenact R.S. 47:1967(A), (B), (E), and (G), 1969, and 1971, relative to ad valorem taxation; to provide for the assessment of certain bank stock; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1261—

BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 51:2386, 2387, 2388, 2389(E)(1)(c) and (F)(1), 2391, 2392, 2393, 2394, 2395(A), (B)(2)(a), (D), and (F)(3), 2396(D)(6), (F), and (G)(1)(d), and 2397(A)(1)(b) and (2), (D), (E), and (G)(2)(a), relative to the Louisiana Business and Industrial Corporation Act; to provide for participation of Louisiana limited liability companies; to provide for certain additional licensing requirements; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1478—

BY REPRESENTATIVES WHITE, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOIN, BAYLOR, BOWLER, BRUCE, BRUNEAU, BURNS, BURRELL, R. CARTER, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, GALLOT, GEYMAN, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, JEFFERSON, JOHNS, KATZ, LABRUZZO, LAFLEUR, LAMBERT, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MURRAY,

ODINET, PIERRE, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, SALTER, SCALISE, SHEPHERD, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WINSTON, WOOTON, AND WRIGHT

AN ACT

To amend and reenact R.S. 51:2453(4) and to enact R.S. 51:2453(6) and 2460(C) and (D), relative to the Louisiana Quality Jobs Programs Act; to expand the definition of "new direct job" to include employees of a facility management contractor in certain instances; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1500—

BY REPRESENTATIVE HAMMETT
AN ACT

To amend and reenact R.S. 37:698(A)(6), (9), and (10), (D)(2), (E), and (F), and (M) and 700(D)(2), (E), (F), (J), (L), (M), (N), (O), and (Q), to enact R.S. 37:698(A)(19) and 700(A)(9) and (10), and to repeal R.S. 37:698(O) and 700(P), relative to professional engineers and professional surveyors; to revise provisions relative to the disciplining of licensees and certificate holders and enforcement proceedings against non-licensees and non-certificate holders; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1699 (Substitute for House Bill No. 614 by Representative Ansardi)—

BY REPRESENTATIVE ANSARDI
AN ACT

To amend and reenact Civil Code Articles 2036 and 2037 and to repeal Chapter 7 of Code Title IV of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, comprised of R.S. 9:2790.1 through 2790.12, relative to civil actions; to provide relative to insolvency and the revocatory action; to repeal the Uniform Fraudulent Transfer Act; and to provide for related matters.

Reported favorably.

Respectfully submitted,
KEN HOLLIS
Chairman

**House Bills and Joint Resolutions
on Second Reading
Reported by Committees**

The following House Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

HOUSE BILL NO. 148—

BY REPRESENTATIVES GALLOT AND MURRAY
AN ACT

To amend and reenact Code of Civil Procedure Article 1443, relative to the taking of depositions; to provide for the manner of objections and the conduct of counsel; to specify when a deponent may be instructed not to answer; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 188—

BY REPRESENTATIVE RICHMOND

AN ACT

To enact R.S. 14:97.2, relative to obstructing highways of commerce; to create the crime of unlawful sale, purchase, possession, or use of traffic signal preemption devices; to provide for criminal penalties; to provide for definitions; to provide for exceptions; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 230—

BY REPRESENTATIVE PIERRE

AN ACT

To enact R.S. 15:144(E), relative to judicial district indigent defender boards; to provide for autonomy and independence of indigent defender boards and appointed counsel; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 252—

BY REPRESENTATIVES BROOME, BOWLER, ALEXANDER, ANSARDI, JOHNS AND WALKER AND SENATORS HAINKEL AND SCHEDLER

AN ACT

To enact Part II of Chapter 2 of Code Title IV of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:293 through 298, and R.S. 9:307(C) and (D), relative to covenant marriage; to provide for applicable law; to provide for incidents of marriage; to provide for obligations; to provide for rights and duties; to provide for counseling; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Engrossed House Bill No. 252 by Representative Broome

AMENDMENT NO. 1

On page 2, line 29, after "9:291" insert "and 292"

On motion of Senator Lentini, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 362—

BY REPRESENTATIVE MARTINY

AN ACT

To enact Code of Criminal Procedure Article 345(H), relative to the surrender of defendants into custody; to provide that officers charged with defendant's detention provide surety with receipt

for fees collected in connection with the surrender of the defendant; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 542—

BY REPRESENTATIVE LAFLEUR

AN ACT

To amend and reenact Code of Criminal Procedure Article 611, relative to venue; to provide for venue of certain murder cases in the parish where the body of the victim was found; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 580—

BY REPRESENTATIVE DORSEY

AN ACT

To enact R.S. 46:2525.1, relative to violence against women; to create the Louisiana Task Force on Violent Crime Against Women; to provide for the membership and the duties of that task force; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Engrossed House Bill No. 580 by Representative Dorsey

AMENDMENT NO. 1

On page 1, line 16, after "by the" delete the remainder of the line

AMENDMENT NO. 2

On page 1, at the end of line 17, after "Voters" and before the period ".", insert "of Louisiana"

AMENDMENT NO. 3

On page 2, between lines 10 and 11, insert the following:

"(12) One member appointed by the Louisiana Attorney General."

On motion of Senator Chaisson, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 586—

BY REPRESENTATIVE ROMERO

AN ACT

To amend and reenact R.S. 14:32.1(B), relative to vehicular homicide; to increase the maximum criminal penalties for the crime of vehicular homicide; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 587—

BY REPRESENTATIVE ROMERO
AN ACT

To enact R.S. 15:499(C), relative to evidence from criminalistics laboratories; to provide relative to electronic signatures on certificates of analysis; to provide for definitions; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 613—

BY REPRESENTATIVE HEBERT (BY REQUEST)
AN ACT

To enact R.S. 9:346 through 348, relative to visitation rights; to provide relative to intentional violations of court orders; to provide relative to public interaction with a child; to provide relative to parenting interference; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Reengrossed House Bill No. 613 by Representative Hebert

AMENDMENT NO. 1

On page 1, line 2, change "through 348" to "and 347"

AMENDMENT NO. 2

On page 1, at the end of line 3, delete "to provide relative to public interaction with" and at the beginning of line 4, delete "a child;"

AMENDMENT NO. 3

On page 1, line 7, change "through 348" to "and 347"

AMENDMENT NO. 4

On page 1, delete lines 18 and 19, and insert the following in lieu thereof:

"B. A pattern of willful and intentional violation of this Section, without good cause, may be grounds to allow a party to move for modification of a custody or visitation decree."

AMENDMENT NO. 5

On page 2, delete line 1 through 13 and add the following in lieu thereof:

"§347. Parenting interference

A person is in violation of parenting interference when the person on one or more occasions intentionally obstructs visitation time in a manner so as to violate R.S. 9:346."

On motion of Senator Lentini, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 622—

BY REPRESENTATIVE HEBERT
AN ACT

To enact R.S. 13:4611(1)(e)(iv) and (f) and Children's Code Article 1509(E)(4) and (F), relative to penalties for contempt of court; to authorize the court to award attorney fees; to provide for the modification of an order; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Reengrossed House Bill No. 622 by Representative Hebert

AMENDMENT NO. 1

On page 1, delete lines 18 through 20 and insert the following in lieu thereof:

"(f) A pattern of willful and intentional violation of this Section, without good cause, may constitute a material change in circumstances warranting a modification of an existing custody or visitation order."

AMENDMENT NO. 2

On page 2, delete lines 10 through 12 and insert the following in lieu thereof:

"F. A pattern of willful and intentional violation of this Section, without good cause, may constitute a material change in circumstances warranting a modification of an existing custody or visitation order."

On motion of Senator Lentini, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 690—

BY REPRESENTATIVE BADON
AN ACT

To enact R.S. 14:95.1.1, relative to offenses affecting the public safety; to create the crime of illegally supplying a felon with a firearm; to provide for penalties; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 738—

BY REPRESENTATIVE MARTINY
AN ACT

To enact Code of Criminal Procedure Article 775.1, relative to mistrials; to provide for an automatic twenty-four-hour stay of proceedings following declaration of a mistrial; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 784—

BY REPRESENTATIVE M. POWELL
AN ACT

To amend and reenact R.S. 15:1356(E) and to enact R.S. 15:1352(A)(16) and (17), relative to the Louisiana Racketeering Act; to add the offenses of money laundering and pandering to the definition of racketeering activity; to amend the heading of Chapter 11 of Title 15 of the Louisiana Revised Statutes of 1950; to delete reference to "drug" in racketeering statute; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 918—

BY REPRESENTATIVE BALDONE
AN ACT

To enact Code of Criminal Procedure Article 336.2, relative to operating a vehicle while intoxicated; to require an ignition interlock device as a condition of release on bail for certain persons arrested for certain alcohol-related driving offenses; to provide for procedures; to provide for waiver of this requirement by courts in certain circumstances; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Engrossed House Bill No. 918 by Representative Baldone

AMENDMENT NO. 1

On page 1, line 15, after "device on" delete "any" and insert "every"

AMENDMENT NO. 2

On page 1, line 17, after "requirement," insert "and shall not operate any vehicle until the ignition interlock has been installed on that vehicle."

AMENDMENT NO. 3

On page 1, line 17, after "requirement," delete "and the" and change "ignition" to "Ignition"

On motion of Senator Chaisson, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1097—

BY REPRESENTATIVES WALKER AND ANSARDI
AN ACT

To amend and reenact R.S. 9:2798.4(A)(1), relative to liability of the state, a state agency, or political subdivision or any person for injuries sustained by an intoxicated operator of a motor vehicle, aircraft, watercraft, or vessel; to provide for the blood alcohol level of the operator; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1225—

BY REPRESENTATIVE M. POWELL
AN ACT

To amend and reenact R.S. 14:123(C)(4), relative to the crime of perjury; to clarify the penalty provisions for that crime; to provide that the penalty provisions for perjury committed "in all other cases" applies to perjury when committed in any civil action, or in any administrative proceeding, or in any legislative hearing or proceeding, or in any other legal proceeding; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1413—

BY REPRESENTATIVE TOOMY
AN ACT

To amend and reenact R.S. 16:51(A)(1), (2), (4), (7), (16), (17), (19), (22), (23), (24), (26), (32), (36), and (41), relative to assistant district attorneys; to provide for additional assistant district attorneys for certain judicial districts; to provide for effectiveness; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. The bill was read by title and recommitted to the Committee on Finance.

HOUSE BILL NO. 1445—

BY REPRESENTATIVE JACK SMITH
AN ACT

To amend and reenact R.S. 40:2616(A)(1), relative to forfeited property; to authorize the sale of forfeited property by a licensed auctioneer; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1458—

BY REPRESENTATIVE LAFLEUR
AN ACT

To amend and reenact Code of Criminal Procedure Article 930.8(C), relative to the prescriptive period for post-conviction relief; to provide for notice to the defendant of the prescriptive period for post-conviction relief; to provide for waiver of rights; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1477 (Substitute for House Bill No. 1383 by Representative Townsend)—

BY REPRESENTATIVES RICHMOND, TOWNSEND, DORSEY, MURRAY, AND SHEPHERD
AN ACT

To enact R.S. 13:1568.3, relative to special divisions of juvenile courts; to provide for divisions of court to have special jurisdiction over child in need of care proceedings; to provide for divisions of court to have special jurisdiction over delinquency proceedings; to provide for applicability to juvenile courts in certain parishes; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1480—

BY REPRESENTATIVE FRITH

AN ACT

To enact R.S. 9:1254, relative to certain enclosed estates; to provide for the right and servitude of passage on certain waterways; to provide for alternate waterways; to provide for applicability; to provide for clarification of existing law; to provide for application; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Engrossed House Bill No. 1480 by Representative Frith

AMENDMENT NO. 1

On page 1, line 10, after “by way of a” and before “waterway” insert “existing”

AMENDMENT NO. 2

On page 1, line 11, change “The waterway” to “The existing waterway”

AMENDMENT NO. 3

On page 1, line 16, after “one” and before “waterway” insert “existing”

On motion of Senator Lentini, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1568—

BY REPRESENTATIVE TOWNSEND

AN ACT

To enact R.S. 13:996.22.1, relative to judicial expense funds of district courts; to increase the amounts allocated to the funds from the disposition of certain criminal cases; to provide for applicability to judicial district courts with a territorial jurisdiction that is coterminous with any parish with a population of between thirty-nine thousand and forty thousand five hundred; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1681—

BY REPRESENTATIVES TRAHAN, ALEXANDER, JOHNS, ROBIDEAUX, AND WALKER

AN ACT

To amend and reenact R.S. 9:2799.5(B)(3), relative to limitations of liability; to provide for the screening and determination of eligibility by a community health care clinic or community pharmacy; to authorize the arrangement of health care services; to provide assistance for enrollment; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1710 (Substitute to House Bill No. 901 by Representative Baldone)—

BY REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 15:306(B), relative to conditions of probation; to provide with respect to proof of installation of ignition interlock devices when imposed as a condition of probation; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Engrossed House Bill No. 1710 by Representative Baldone

AMENDMENT NO. 1

On page 1, line 4, after “probation;” insert “to provide for definition of proof of installation;”

AMENDMENT NO. 2

On page 1, line 10, after “B.” insert “(1)”

AMENDMENT NO. 3

On page 1, between lines 16 and 17 insert the following:

“(2) “Proof of installation” shall mean either a certificate of installation or a copy of the lease agreement with one of the approved ignition interlock device companies.”

On motion of Senator Chaisson, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1712 (Substitute for House Bill No. 917 by Representative Baldone)—

BY REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 32:415(B) and 415.1(A)(1)(introductory paragraph), relative to operating a vehicle with a suspended, revoked, or canceled license; to require courts to order certain licensees to install ignition interlock devices; to provide for the period of time in which the ignition interlock device shall remain on the vehicle; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

Mr. President in the Chair**Rules Suspended**

Senator Amedee asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

Introduction of Senate Resolutions

Senator Amedee asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Resolutions a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 104— BY SENATOR AMEDEE

A RESOLUTION

To recognize and commend the Dutchtown High School Griffins on an outstanding regular season and on winning the 2004 Louisiana High School Athletic Association Class 4-A baseball state championship.

On motion of Senator Amedee, the resolution was read by title and adopted.

SENATE RESOLUTION NO. 105— BY SENATOR AMEDEE

A RESOLUTION

To commend and congratulate the Dutchtown High School Lady Griffin gymnastics team upon winning the 2004 State Championship.

On motion of Senator Amedee, the resolution was read by title and adopted.

Reports of Committees

The following reports of committees were received and read:

CONFERENCE COMMITTEE REPORT House Bill No. 272 By Representatives Durand, et al.

June 1, 2004

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 272 by Representatives Durand et al., recommend the following concerning the reengrossed bill:

1. That the Conforming Senate Floor Amendments Nos. 1 through 11, 13 through 19, 21, 22, and 25 through 27 proposed by Senator McPherson and adopted by the Senate on May 11, 2004, be adopted.
2. That the Conforming Senate Floor Amendments Nos. 12, 20, 23 and 24 proposed by Senator McPherson and adopted by the Senate on May 11, 2004, be rejected.
3. That the following amendments to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 4, line 3, after "the" insert "Louisiana"

AMENDMENT NO. 2

On page 7, between lines 8 and 9, insert: "(xii) A representative from the Louisiana Chapter of the National Emergency Number Association."

AMENDMENT NO. 3

On page 9, lines 4 and 5, change "Skyler" to "Skylar"

Respectfully submitted,

Representatives
Sydnie Mae Durand
Charles McDonald
Monica Walker

Senators
Joe McPherson
Tom Schedler
Sherri Smith Cheek

Rules Suspended

Senator McPherson asked for and obtained a suspension of the rules for the purpose of considering the Conference Committee Report. On motion of Senator McPherson, a vote was taken on the adoption of the report.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Boissiere	Hainkel	Romero
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cheek	Irons	Theunissen
Cravins	Jackson	Ullo
Dardenne	Jones	
Duplessis	Kostelka	
Total—37		

NAYS

Total—0

ABSENT

Heitmeier	Lentini
Total—2	

The Chair declared the Conference Committee Report was adopted. Senator McPherson moved to reconsider the vote by which the report was adopted and laid the motion on the table.

Rules Suspended

Senator Ellington asked for and obtained a suspension of the rules for the purpose of recalling House Concurrent Resolution No. 228 from the Committee on Transportation, Highways, and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 228—
BY REPRESENTATIVES QUEZAIRE, HUNTER, AND PIERRE AND
SENATOR CRAVINS

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to designate the section of Interstate 49 in St. Landry Parish between Sunset and Washington as the Charles I. "Doc" Hudson Highway.

The resolution was read by title. Senator Ellington moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Boissiere	Hainkel	Romero
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cheek	Irons	Theunissen
Cravins	Jackson	Ullo
Dardenne	Jones	
Duplessis	Kostelka	
Total—37		

NAYS

Total—0

ABSENT

Heitmeier	Lentini
Total—2	

The Chair declared the Senate had concurred in the House Concurrent Resolution, and ordered it returned to the House.

Rules Suspended

Senator Boissiere asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 324 from the Committee on Local and Municipal Affairs.

SENATE BILL NO. 324—
BY SENATOR BOISSIERE AND DUPLESSIS
AN ACT

To enact Subpart B-20 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.441 through 449, relative to the New Orleans Riverfront Development District; to create the district and provide for the powers, duties, functions, and responsibilities of the board of commissioners for the district; to provide for a governing board of commissioners and for membership; to provide relative to the power of ad valorem taxation and the issuance of bonds; and to provide for related matters.

On motion of Senator Boissiere, the bill was read by title and withdrawn from the files of the Senate.

Rules Suspended

Senator Boissiere asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 619 from the Committee on Local and Municipal Affairs.

SENATE BILL NO. 619—
BY SENATOR BOISSIERE
AN ACT

To amend and reenact R.S. 33:4071(A), relative to the Sewerage and Water Board of New Orleans; to provide for board membership and terms of office; and to provide for related matters.

On motion of Senator Boissiere, the bill was read by title and withdrawn from the files of the Senate.

Rules Suspended

Senator Boissiere asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 727 from the Committee on Local and Municipal Affairs.

SENATE BILL NO. 727—
BY SENATOR BOISSIERE
AN ACT

To amend and reenact R.S. 33:4071 and 4072 and to repeal R.S. 33:4073 and 4074; to abolish the Sewerage and Water Board of New Orleans and to provide relative to the creation of a sewerage and water agency by amendment of the home rule charter of the city of New Orleans; to provide that such agency shall be the successor to the Sewerage and Water Board of New Orleans and to provide relative thereto; to provide effective dates; and to provide for related matters.

On motion of Senator Boissiere, the bill was read by title and withdrawn from the files of the Senate.

Rules Suspended

Senator Nevers asked for and obtained a suspension of the rules for the purpose of recalling House Bill No. 1165 from the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 1165—
BY REPRESENTATIVE MORRISH
AN ACT

To amend and reenact R.S. 38:1794(B)(2), relative to drainage districts; to provide relative to compensation of certain members; and to provide for related matters.

On motion of Senator Nevers, the bill which is a duplicate of Senate Bill No. 596, was read by title and lies over under the rules.

Regular Order of the Day

Reconsideration

On motion of Senator Mount, pursuant to the previous notice given, the vote by which the following bill failed to pass on Tuesday, June 1, 2004 was reconsidered.

HOUSE BILL NO. 1575 (Substitute for HB No. 1219 by Representative Hammett)—
BY REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 47:1561.1(A), relative to the Department of Revenue; to authorize the Department of Revenue to assess certain costs in officer liability actions; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Mount moved the bill be indefinitely postponed.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fontenot	Michot
Bajoie	Gautreaux, B	Mount
Barham	Gautreaux, N	Nevers
Boasso	Hainkel	Romero
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cheek	Irons	Theunissen
Cravins	Jones	Ullo
Dardenne	Kostelka	
Duplessis	Malone	
Total—34		

NAYS

Total—0

ABSENT

Boissiere	Heitmeier	Lentini
Fields	Jackson	
Total—5		

The Chair declared House Bill No. 1575 was indefinitely postponed.

**Senate Bills and Joint Resolutions
Returned from the House
of Representatives with Amendments,
Subject to Call**

The following Senate Bills and Joint Resolutions returned from the House of Representatives with amendments were taken up and acted upon as follows:

Called from the Calendar

Senator Hollis asked that Senate Bill No. 768 be called from the Calendar at this time.

SENATE BILL NO. 768—
BY SENATOR HOLLIS

AN ACT

To enact R.S. 6:966.1, relative to additional default remedies; to provide for a notice of repossession; to provide for contents; to provide for fees; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Johns to Reengrossed Senate Bill No. 768 by Senator Hollis

AMENDMENT NO. 1

On page 1, line 2, after "To" delete "enact R.S. 6:966.1," and insert "amend and reenact R.S. 6:965(C)(3) and (4) and 966 and to enact R.S. 6:965(C)(5) and (D) and 966.1,"

AMENDMENT NO. 2

On page 1, line 2, after "remedies;" and before "to" insert "to provide for definitions; to provide for procedures for taking possession of collateral upon default; to provide for repossession agent licenses;"

AMENDMENT NO. 3

On page 1, line 3, after "contents;" and before "and to provide for related", delete "to provide for fees;"

AMENDMENT NO. 4

On page 1, line 6, after "Section 1." and before "hereby" delete "R.S. 6:966.1 is" and insert in lieu thereof "R.S. 6:965(C)(3) and (4) and 966 are hereby amended and reenacted and R.S. 6:965(C)(5) and (D) and 966.1 are"

AMENDMENT NO. 5

On page 1, between lines 6 and 7, insert the following

"§965. Scope and definitions

* * *

C. As used in this Chapter, the following terms shall have the following meanings:

* * *

(3) "Default" means failure to pay a minimum nonpayment of two consecutive payments on the date due pursuant to the terms of the note, contract, or other obligation secured by the chattel mortgage or security agreement. In the event that payments are required to be made more frequently than on a monthly basis, "default" shall mean nonpayment for a period of thirty days.

(4) "Secured party" shall have the meaning set forth in R.S. 10:9-102(a)(72) and shall also mean a lessor of a motor vehicle as defined in R.S. 9:3306(17).

(5) "Breach of peace" shall include, but not be limited to the following:

(a) Unauthorized entry by a reposessor into a closed dwelling, whether locked or unlocked.

(b) Oral protest by a debtor to the reposessor against repossession prior to the reposessor seizing control of the collateral shall constitute a breach of the peace by the reposessor.

D. Beginning on or after January 1, 2005, the secured party seeking to utilize the remedies provided herein shall include the following in its security agreement:

"Louisiana law permits repossession of motor vehicles without judicial process."
§966. Procedure

A.(1) The procedures set forth in this Chapter may be used to effect the seizure and disposition obtain possession and dispose of collateral following default by a debtor without previous citation and judgment, upon notice to the debtor, to enforce a security interest evidenced by a security agreement importing a confession of judgment or a lease.

(2) Prior to the use of the procedures set forth in this Chapter, a secured party shall send notice to all debtors in writing at the last known address of the debtors, of the right of the secured party to take possession of the collateral without further notice upon default as defined in R.S. 6:965(C)(3). Such notice shall include the debtor's name, last known address, and description of the collateral and the following in at least 12-point type:

"Louisiana law permits repossession of motor vehicles upon default without further notice or judicial process."

(3) After obtaining possession of the collateral, the secured party may dispose of it in any manner permitted by Chapter 9 of the Louisiana Commercial Law, R.S. 10:9-101, et seq. or by resort to available judicial procedures, and may cause the collateral to be retitled. Unless the secured party causes the collateral to be sold at judicial sale under ordinary or executory process, all receipts from the secured party's disposition of the collateral shall be applied as set forth in R.S. 10:9-601, and the secured party shall be obligated to account to the debtor for any surplus.

B. A proceeding pursuant to this Chapter may be brought either in the parish where the collateral is located, or as provided in the applicable provisions of Code of Civil Procedure Art. 42. Unless otherwise agreed, a secured party has, on default, the right to take possession of the collateral. In taking possession, a secured party may proceed without judicial process if this can be done without a breach of the peace or may proceed by other remedies available by law.

C. Upon default the secured party shall have the right to obtain possession and dispose of the collateral in accordance with the provisions of Chapter 9 of the Louisiana Commercial Laws, R.S. 10:9-101 et seq., and to cause titled collateral to be retitled. For purposes of this Chapter, the creditor shall send a notice to the debtor at his last known address by registered mail or certified mail, return receipt requested:

(1) Demanding payment of all delinquent amounts together with finance charges, fees, and such other charges as provided for in the secured indebtedness on or before a date not less than ten business days after such notice is sent.

(2) Notifying the debtor that unless such payment is received the collateral may be seized for sale, as provided in this Chapter.

D. If the debtor fails to pay the secured indebtedness within the time set forth in the notice, the secured party may cause the debtor to be served with a petition to obtain possession and dispose of the collateral pursuant to Subsection C hereof to be adjudicated through a summary proceeding by a court of competent jurisdiction.

E. The secured party shall submit to the court the following proof:

(1) An affidavit by the secured party or his agent setting forth the following:

(a) The factual grounds on which the debtor's default is based.

(b) The amount secured by the chattel mortgage or security agreement, including any advances by the secured party.

(2) The note, contract, or other obligation secured by the security interest, as an exhibit to the affidavit.

(3) The security agreement encumbering the collateral, as an exhibit to the affidavit.

(4) A certificate indicating the date on which notice of default was sent to the debtor, the type of service of the rule made on the defendant, and the date of such service.

(5) An original and not less than one copy of the proposed order.

(6) Any written response by the debtor.

F. Upon presentation of the affidavit and exhibits, the secured party shall be entitled to obtain possession and dispose of the collateral, and the court shall immediately issue an order recognizing the right of the secured party to obtain possession, notifying the debtor of his right to collect or obtain his personal effects from the seizing creditor pursuant to Subsection L of this Section, and commanding the sheriff to seize the collateral and deliver the collateral to the secured party or his designee, as delineated herein for the following fees:

(1) \$400.00 if seized within ten days of receipt of the order.

(2) \$300.00 if seized within fifteen days of receipt of the order.

(3) \$200.00 if seized within twenty days of receipt of the order.

(4) \$100.00 if seized over twenty days after receipt of the order.

G. The minute clerk shall make an entry showing the dates of receipt of proof, review of the record, and issuance of the order. A certified copy of the signed order shall be sent to the debtor and secured party by the clerk of court.

H. C. The provisions of this Section may be utilized only by the following:

(1) Financial institutions licensed by the commissioner of financial institutions pursuant to this Title, or licensed and regulated chartered under the laws of the state of Louisiana, another state, or the United States.

(2) Persons licensed or regulated as lenders by the commissioner of financial institutions pursuant to the Louisiana Consumer Credit Law, R.S. 9:3510 et seq.

(3) Persons licensed or regulated as lenders by the Louisiana Motor Vehicle Commission pursuant to the Louisiana Motor Vehicle Sales Finance Act, R.S. 6:969.1 et seq.

I. D.(1)(a) Any individual who physically obtains possession of the collateral pursuant to this Chapter shall obtain a repossession agent license from the office of financial institutions.

(b) On or before January 1, 2005, the commissioner of financial institutions shall issue licenses to repossession agents who are members of the following organizations: National Finance Adjusters, Inc., Allied Finance Adjusters Conference, Inc., Time Adjusters Conference, Inc., or the American Recovery Association, Inc. and who meet any additional qualifications for licensure established by the commissioner of financial institutions pursuant to rules and regulations adopted in accordance with the Administrative Procedure Act.

(2) In the event a tow truck, as defined in R.S. 32:1713(5), is required to be used in the repossession, the provisions of Chapter 16 of Title 32 of the Louisiana Revised Statutes of 1950 pertaining to said tow truck shall apply. The tow truck owner or operator, as

defined in R.S. 32:1713(6), shall possess a common carrier certificate issued by the Louisiana Public Service Commission pursuant to R.S. 45:164. ~~In addition, the seizing creditor shall be responsible for all personal effects located inside the seized collateral for the seventy-two hour period immediately following the seizure of said collateral.~~

~~J. E.~~ The secured party shall have and retain all of the possessory and enforcement rights provided under Chapter 9 of the Louisiana Commercial Laws, R.S. 10:9-101 et seq., ~~but shall have no including the right to recover a deficiency or any other costs associated with the seizure proceeding provided for in this Chapter.~~

~~K. If for any reason proceedings begun under this Chapter are abandoned, postponed, enjoined, or otherwise not fully completed through the issuance of an order in favor of the secured party as provided in this Chapter, the secured party shall have the right to proceed under any and all other means provided by law, including ordinary or executory process with the right to pursue a deficiency.~~

~~L. E.~~ If the debtor has personal property of his own or of another inside the ~~seized~~ repossessed collateral, the owner of the personal property shall have ~~seventy-two hours~~ ten days in which to contact the ~~seizing~~ repossessing creditor and demand the return of his property. The secured party shall immediately return the personal effects upon request of the debtor. At the end of thirty days following the repossession of the collateral, the personal effects located inside of the repossessed collateral shall be deemed abandoned and the secured party shall no longer be responsible for such personal effects.

~~M. The clerk shall collect only those costs and fees due to the sheriff and the clerk's office for proceedings brought pursuant to this Chapter. Any additional fees or costs imposed by law shall not be collected by the clerk.~~

~~N. Repealed by Acts 2001, No. 943, §2."~~

AMENDMENT NO. 6

On page 2, delete lines 2 through 7 in their entirety and insert in lieu thereof the following:

"Section 2. This Act shall become effective on January 1, 2005; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on January 1, 2005, or on the day following such approval by the legislature, whichever is later."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Morrish to Reengrossed Senate Bill No. 768 by Senator Hollis

AMENDMENT NO. 1

In House Floor Amendment No. 5 proposed by Representative Johns and adopted by the House on May 26, 2004 on page 3, on line 32 after "Association, Inc.," and before "and" insert the following: "or a Louisiana association of duly licensed repossession agents recognized as a viable association by the commissioner of financial institutions."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Alario to Reengrossed Senate Bill No. 768 by Senator Hollis

AMENDMENT NO. 1

In House Floor Amendment No. 5 proposed by Representative Johns and adopted by the House on May 26, 2004 on page 1, on line 26, change "thirty" to "sixty"

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Pinac to Reengrossed Senate Bill No. 768 by Senator Hollis

AMENDMENT NO. 1

On page 1, line 17, after "by the" change "clerk of court" to "secured party"

Senator Hollis moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Amedee	Ellington	Marionneaux
Bajoie	Fields	McPherson
Barham	Fontenot	Michot
Boasso	Gautreaux, B	Mount
Boissiere	Gautreaux, N	Nevers
Cain	Hainkel	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Kostelka	
Total—35		

NAYS

Adley
Total—1

ABSENT

Heitmeier	Jones	Lentini
Total—3		

The Chair declared the amendments proposed by the House were concurred in. Senator Hollis moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

Senate Concurrent Resolutions on Second Reading Reported by Committees

The following Senate Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 93—
BY SENATOR FIELDS**A CONCURRENT RESOLUTION**

To the Senate Committee on Judiciary A and the House Committee on Judiciary to meet and to function as a joint committee to study all aspects of increasing the number of judges of the First Circuit Court of Appeal, supreme court districts, and associate justices.

Reported favorably by the Committee on Judiciary A.

The resolution was read by title. Senator Fields moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Boissiere	Hainkel	Romero
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cheek	Irons	Theunissen
Cravins	Jackson	Ullo
Dardenne	Jones	

Duplessis	Kostelka
Total—37	

NAYS

Total—0

ABSENT

Heitmeier	Lentini
Total—2	

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**Senate Concurrent Resolutions on
Third Reading**

The following Senate Concurrent Resolutions on third reading were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 105—
BY SENATOR DUPRE**A CONCURRENT RESOLUTION**

To recognize the Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogees ("BCCM"), the Bayou Lafourche Band of the BCCM, the Grand Caillou/Dulac Band of the

BCCM, known collectively as the "BCCM Tribes" and the Pointe-au-Chien Indian Tribe ("PACIT").

The resolution was read by title. Senator Dupre moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Boissiere	Hainkel	Romero
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cheek	Irons	Theunissen
Cravins	Jackson	Ullo
Dardenne	Jones	
Duplessis	Kostelka	
Total—37		

NAYS

Total—0

ABSENT

Heitmeier	Lentini
Total—2	

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 107—
BY SENATOR BOASSO**A CONCURRENT RESOLUTION**

To create the Joint Legislative Commission on Saltwater Fisheries and the Ad Hoc Saltwater Fisheries Advisory Board to study and make recommendations to the legislature on a revision of the state's saltwater fisheries laws and regulations as they pertain to commercial and recreational fishing.

On motion of Senator Boasso, the resolution was read by title and returned to the Calendar, subject to call.

**Senate Bills and Joint Resolutions on
Third Reading
and Final Passage**

The following Senate Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

SENATE BILL NO. 29—
BY SENATOR CHAISSON

AN ACT

To amend and reenact R.S. 32:190(A)(1) and (2) and 408(C)(1), relative to motorcycles; to require any person under the age of twenty-one years who operates or rides upon a motorcycle, motor driven cycle, or motorized bicycle to wear a safety helmet; to provide for mandatory training; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux to Engrossed Senate Bill No. 29 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 10, after “person” delete “under the age of twenty-one years”

AMENDMENT NO. 2

On page 1, line 17, after “person” delete “twenty-one years of age or older”

Senator Marionneaux moved adoption of the amendments.

Senator Adley objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Lentini
Amedee	Dupre	Marionneaux
Bajoie	Fields	Michot
Barham	Gautreaux, N	Mount
Boasso	Holden	Romero
Boissiere	Hollis	Schedler
Cheek	Irons	Theunissen
Cravins	Jackson	Ullo
Dardenne	Jones	
Total—26		

NAYS

Adley	Gautreaux, B	McPherson
Cain	Hainkel	Nevers
Ellington	Kostelka	Smith
Fontenot	Malone	
Total—11		

ABSENT

Chaisson	Heitmeier
Total—2	

The Chair declared the amendments were adopted.

Personal Privilege

Senator Malone asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on the amendment by Senator Marionneaux to Senate Bill No. 29. He voted nay on the amendment and had intended to vote yea. He asked that the Official Journal so state.

Personal Privilege

Senator McPherson asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on the amendment by Senator Marionneaux to Senate Bill No. 29. He voted nay on the amendment and had intended to vote yea. He asked that the Official Journal so state.

Floor Amendments Sent Up

Senator Adley sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Adley to Engrossed Senate Bill No. 29 by Senator Chaisson

AMENDMENT NO. 1

Delete Senate Floor Amendments No. 1 and No. 2 proposed by Senator Marionneaux and adopted by the Senate on June 2, 2004.

AMENDMENT NO. 2

On page 1, line 10, after “age of” insert “eighteen” and delete “twenty-one”

AMENDMENT NO. 3

On page 1, line 17, after “person” insert “eighteen” and delete “twenty-one”

Senator Adley moved adoption of the amendments.

Senator Chaisson objected.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Cain	Kostelka
Amedee	Fontenot	Nevers
Boasso	Heitmeier	
Total—8		

NAYS

Mr. President	Ellington	Malone
Bajoie	Fields	Marionneaux
Barham	Gautreaux, B	McPherson
Boissiere	Gautreaux, N	Michot
Chaisson	Hainkel	Mount
Cheek	Hollis	Romero
Cravins	Irons	Schedler
Dardenne	Jackson	Smith

Duplessis	Jones	Theunissen
Dupre	Lentini	Ullo
Total—30		
	ABSENT	

Holden
Total—1

The Chair declared the amendments were rejected.

Floor Amendments Sent Up

Senator Chaisson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Chaisson to Engrossed Senate Bill No. 29 by Senator Chaisson

AMENDMENT NO. 1

Delete Senate Floor Amendment Nos. 1 and 2 proposed by Senator Marionneaux and adopted by the Senate on June 2, 2004.

Senator Chaisson moved adoption of the amendments.

Senator Marionneaux objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Hollis
Adley	Dupre	Kostelka
Boasso	Ellington	McPherson
Cain	Gautreaux, B	Mount
Chaisson	Heitmeier	Smith
Total—15		

NAYS

Amedee	Fontenot	Michot
Bajoie	Gautreaux, N	Nevers
Barham	Hainkel	Romero
Boissiere	Irons	Schedler
Cheek	Jones	Theunissen
Cravins	Lentini	Ullo
Dardenne	Malone	
Fields	Marionneaux	
Total—22		

ABSENT

Holden
Total—2

The Chair declared the amendments were rejected.

The bill was read by title. Senator Chaisson moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Lentini
Bajoie	Gautreaux, B	Malone
Barham	Gautreaux, N	Marionneaux
Boissiere	Hainkel	Michot
Chaisson	Heitmeier	Mount
Cheek	Holden	Nevers
Cravins	Hollis	Romero
Dardenne	Irons	Schedler
Duplessis	Jackson	Theunissen
Dupre	Jones	Ullo
Total—30		

NAYS

Adley	Cain	Kostelka
Amedee	Ellington	McPherson
Boasso	Fontenot	Smith
Total—9		

ABSENT

Total—0

The Chair declared the amended bill was passed. The title was read and adopted. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 519— BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 48:274.1(A), relative to highways; to provide relative to logo signs on interstate highways and other certain highways; to authorize the department to contract with a qualified third party for the placement and maintenance of logo signs; to provide relative to the contract and accounting of revenues between the parties; to provide for the establishment of an advisory committee; to provide relative to fees for certain logo signs; to authorize the promulgation of rules and regulations; and to provide for related matters.

Floor Amendments Sent Up

Senator Ellington sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Ellington to Engrossed Senate Bill No. 519 by Senator Ellington

AMENDMENT NO. 1

On page 3, delete lines 22 and 23 in their entirety and insert the following: "shall be the property of the state of Louisiana."

On motion of Senator Ellington, the amendments were adopted.

The bill was read by title. Senator Ellington moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux, B	Nevers
Boissiere	Gautreaux, N	Romero
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cheek	Irons	Theunissen
Cravins	Jones	Ullo
Dardenne	Kostelka	
Total—35		

NAYS

Heitmeier
Total—1

ABSENT

Hainkel	Jackson	Lentini
Total—3		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Ellington moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 875 (Substitute for Senate Bill No. 336 by Senator McPherson)—

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 17: 403(C), R.S. 36:258(E)(1), and R.S. 46:2503(A) and to enact Chapter 50-A of Title 37 of Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:3386 through 3390.5, and to repeal R.S. 36:259(E)(19), R.S. 46:2503(E), and Chapter 50 of Title 37 of Louisiana Revised Statutes of 1950, comprised of R.S. 37:3371 through 3384, relative to addictive disorder professionals; to provide for definitions; to provide for categories of addictive disorder professionals; to provide for powers and duties of the Department of Health and Hospitals, office for addictive disorders; to provide for licensure, certification, and registration of addictive disorder counselors and professionals; to authorize the department to impose application fees; to provide with respect to penalties; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 875 by Senator McPherson

AMENDMENT NO. 1

On page 30, line 10, following "or" and before "authorized" change "statue" to "status"

AMENDMENT NO. 2

On page 32, line 23, following "furtherance" change "or" to "of"

AMENDMENT NO. 3

On page 35, line 14, at the beginning of the line, delete "A."

AMENDMENT NO. 4

On page 38, line 3, at the beginning of the line, delete "A."

On motion of Senator Lentini, the amendments were adopted.

Floor Amendments Sent Up

Senator McPherson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator McPherson to Engrossed Senate Bill No. 875 by Senator McPherson

AMENDMENT NO. 1

On page 25, line 18, after "department.", delete the remainder of the line and at the beginning of line 19, insert "(8) The department may prescribe such other qualifications and"

AMENDMENT NO. 2

On page 39, line 11, between "Section 5." and "R.S. 37:3371" insert "R.S. 36:259(E)(19)," and between "3384" and "are" insert ", and R.S. 46:2503(E)"

On motion of Senator McPherson, the amendments were adopted.

Floor Amendments Sent Up

Senator McPherson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator McPherson to Engrossed Senate Bill No. 875 by Senator McPherson

AMENDMENT NO. 1

On page 1, line 4, change "3390.5" to "3390.6"

AMENDMENT NO. 2

On page 1, line 11, after "penalties;" insert "to establish the Addictive Disorders Professionals Licensing and Certification Fund in the state treasury;"

AMENDMENT NO. 3

On page 2, line 26, change "3390.5" to "3390.6"

AMENDMENT NO. 4

On page 19, lines 12 and 13, delete "clinical supervision" and insert "compulsive gambling counseling"

AMENDMENT NO. 5

On page 38, after line 29 insert the following:

" §3390.6. Addictive Disorders Professionals Licensing and Certification Fund

R.S. 37:3390.6 is all proposed new law.

A. There is hereby established in the state treasury a special fund to be known as the "Addictive Disorders Professionals Licensing and Certification Fund," hereinafter referred to as the "fund."

B. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state that become due and payable within a fiscal year, the treasurer in each fiscal year shall pay into the fund an amount equal to the total amount of all donations, penalties, and licensing and certification fees collected pursuant to the provisions of this Chapter.

C. The monies in this fund shall be used solely as provided in Subsection D hereof and only in the amounts appropriated by the legislature. All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund and be available for appropriation in the next fiscal year in the same manner as provided herein. Monies in the fund shall be invested by the state treasurer with the same authority and subject to the same restrictions as for investment of the state general fund. Interest earned on the investment of these monies shall be credited to the state general fund.

D. The monies in the fund shall be used by the Department of Health and Hospitals solely for the administration, monitoring, and enforcement of the licensing and certification provisions of this Chapter.

E. The department shall, by rule, adopt a schedule of fees and penalties to be charged relative to the issuance of licenses and certifications, as provided in this Chapter."

On motion of Senator McPherson, the amendments were adopted.

The bill was read by title. Senator McPherson moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Jones
Adley	Dupre	Kostelka
Amedee	Ellington	Marionneaux
Bajoie	Fields	McPherson
Barham	Fontenot	Michot
Boasso	Gautreaux, B	Mount
Boissiere	Gautreaux, N	Nevers
Cain	Hainkel	Romero
Chaisson	Heitmeier	Schedler
Cheek	Holden	Smith
Cravins	Hollis	Theunissen
Dardenne	Irons	Ullo
Total—36		

NAYS

Total—0

ABSENT

Jackson

Lentini

Malone

Total—3

The Chair declared the amended bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 876 (Substitute for Senate Bill No. 857 by Senator Ullo)—

BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 40:1662.3(6), (7), (12), (14), (15), (17), (24), (26), (27), and (28), 1662.4(A)(3) and (4), (B), the introductory paragraph of (C), (C)(1), (3), (4), (6), and (7), 1662.6(A)(3), (B)(6)(a) and (b) and (9), (C)(5) and (6)(a) and (b), and (9), 1662.7(A), (B), (C), (D)(2), (E), and (F), 1662.8(A), (B)(2)(g) and (h), (3)(a) and (b), and (4), 1662.9(A)(3), (5) and (11), (C), (D)(1) and (3), and (E), 1662.11(A)(2), 1662.12(A)(2) and (5), 1662.14(A)(2), (3)(b), and (5), (C)(2), (3), (5), and (6), and 1662.15(B)(2), and to enact R.S. 40:1662.3(29), 1662.8(B)(2)(i), (j) and (k), 1662.9(A)(12), (13) and (14), 1662.14(C)(7), and 1662.16(D), relative to public health and safety; to provide for alarm industry and locksmith licensing standards; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 876 by Senator Ullo

AMENDMENT NO. 1

On page 1, lines 4 and 15, following "1662.6" and before "(A)(3)" delete ",".

AMENDMENT NO. 2

On page 1, lines 5 and 16, following "(C)," and before "(D)(2)" insert "the introductory paragraph of (D),"

AMENDMENT NO. 3

On page 1, lines 5 and 16, following "1662.8(A)," and before "(B)(2)(g)" insert "the introductory paragraph of (B),"

AMENDMENT NO. 4

On page 1, line 7, following "(A)(2)," and before "(3)(b)" insert "the introductory paragraph of (3),"

AMENDMENT NO. 5

On page 1, line 8, following "40:1662.3(29)," and before "1662.8(B)(2)(i)" insert "1662.6(B)(6)(d),"

AMENDMENT NO. 6

On page 2, line 1, following "(A)(2)," and before "(3)(b)" insert "the introductory paragraph of (3)."

AMENDMENT NO. 7

On page 2, line 1, following "and (5)" and before "(C)(2)" insert ","

AMENDMENT NO. 8

On page 2, line 2, following "40:1662.3(29)," and before "1662.8(B)(2)(i)" insert "1662.6(B)(6)(d)."

AMENDMENT NO. 9

On page 4, line 18, following "devices" and before "electrical" change "and/or" to "or"

AMENDMENT NO. 10

On page 4, line 21, following "device" change "and/or" to "or"

AMENDMENT NO. 11

On page 4, line 26, following "mechanical" and before "electrical" change "and/or" to "or"

On motion of Senator Lentini, the amendments were adopted.

The bill was read by title. Senator Ullo moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Amedee	Ellington	Kostelka
Bajoie	Fields	Marionneaux
Barham	Fontenot	McPherson
Boasso	Gautreaux, B	Michot
Boissiere	Gautreaux, N	Mount
Cain	Hainkel	Nevers
Chaisson	Heitmeier	Romero
Cheek	Holden	Schedler
Cravins	Hollis	Smith
Dardenne	Irons	Theunissen
Duplessis	Jackson	Ullo
Dupre	Jones	
Total—35		

NAYS

Adley
Total—1

ABSENT

Mr. President	Lentini	Malone
Total—3		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Senator Cravins in the Chair

Senate Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call

The following Senate Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Fontenot asked that Senate Bill No. 562 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 562— BY SENATOR FONTENOT

AN ACT

To amend and reenact R.S. 40:31.32(D) and to enact R.S. 40:1154(C), relative to installers and maintenance providers of onsite treatment systems; to require a biennial license and fee; to provide qualifications and requirements for such licenses; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 562 by Senator Fontenot

AMENDMENT NO. 1

On page 2, lines 5, 8, and 12, following "Subsections" change "(A) and (B)" to "A and B"

On motion of Senator Lentini, the amendments were adopted.

Floor Amendments Sent Up

Senator Fontenot sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Fontenot to Engrossed Senate Bill No. 562 by Senator Fontenot

AMENDMENT NO. 1

On page 1, line 3, after "systems;" delete the remainder of the line and on line 4, delete "and fee;"

AMENDMENT NO. 2

On page 1, line 13, change "a biennial" to "an annual"

AMENDMENT NO. 3

On page 1, line 13, change "two" to "one"

On motion of Senator Fontenot, the amendments were adopted.

The bill was read by title. Senator Fontenot moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Jackson
Amedee	Fields	Jones
Bajoie	Fontenot	Marionneaux
Boissiere	Gautreaux, B	McPherson
Chaisson	Gautreaux, N	Theunissen
Cheek	Heitmeier	Ullo
Cravins	Holden	
Total—20		

NAYS

Adley	Ellington	Mount
Barham	Hainkel	Nevers
Boasso	Hollis	Romero
Cain	Malone	Schedler
Dardenne	Michot	Smith
Total—15		

ABSENT

Dupre	Kostelka
Irons	Lentini
Total—4	

The Chair declared the amended bill was passed. The title was read and adopted. Senator Fontenot moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Mr. President in the Chair

**House Concurrent Resolutions
on Second Reading
Reported by Committees**

The following House Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

**HOUSE CONCURRENT RESOLUTION NO. 90—
BY REPRESENTATIVE TOWNSEND**

A CONCURRENT RESOLUTION

To urge and request the Louisiana Supreme Court to study and make recommendations for a uniform and streamlined procedure for expungement of criminal records.

Reported favorably by the Committee on Judiciary C.

The resolution was read by title. Senator Jackson moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
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Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Total—38		

NAYS

Total—0

ABSENT

Lentini
Total—1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 134—

BY REPRESENTATIVE DANIEL

A CONCURRENT RESOLUTION

To express the intent of the Louisiana Legislature in the passage of Act No. 715 of the 2003 Regular Session relative to the retroactive effects on the ownership of improvements, including abandoned oil casings and facilities placed by a lessee or another third party on the land of another.

Reported favorably by the Committee on Judiciary A.

The resolution was read by title. Senator Holden moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Total—38		

NAYS

Total—0

ABSENT

Lentini

Total—1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**House Bills and Joint Resolutions on
Third Reading
and Final Passage**

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

HOUSE BILL NO. 220—

BY REPRESENTATIVE BOWLER

AN ACT

To amend and reenact R.S. 9:315.18(B)(1)(introductory paragraph) and (C) and to repeal R.S. 9:315.18(D), relative to child support; to provide for eligibility to claim federal and state tax dependency deductions; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and returned to the Calendar, subject to call.

Senator Bajoie in the Chair

HOUSE BILL NO. 247—

BY REPRESENTATIVE THOMPSON

AN ACT

To amend and reenact R.S. 14:67.2(A) and (C)(introductory paragraph) and to enact R.S. 14:67.2(B)(4), relative to theft; to provide with respect to theft of animals; to authorize courts to order restitution in certain circumstances; and to provide for related matters.

On motion of Senator Ellington, the bill was read by title and returned to the Calendar, subject to call.

HOUSE BILL NO. 404—

BY REPRESENTATIVE BOWLER

AN ACT

To amend and reenact R.S. 9:315.8(E)(3)(a), relative to child support; to provide relative to joint custody; to provide for consideration of the continuing expenses of the domiciliary party; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and returned to the Calendar, subject to call.

HOUSE BILL NO. 405—

BY REPRESENTATIVE BOWLER

AN ACT

To amend and reenact R.S. 9:521.2 and R.S. 35:12(D) and 392.1, relative to ex officio notaries; to provide relative to the authority of ex officio notaries; to provide for the rejection of certain documents; to provide for actions exceeding the authority granted; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and returned to the Calendar, subject to call.

HOUSE BILL NO. 428—

BY REPRESENTATIVE DURAND

AN ACT

To enact R.S. 37:1285.3, relative to the Louisiana State Board of Medical Examiners; to require that security accompany any judicial review of a final decision of the board; and to provide for related matters.

The bill was read by title. Senator Hines moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Boissiere	Hainkel	Romero
Cain	Heitmeier	Schedler
Chaisson	Holden	Smith
Cheek	Hollis	Theunissen
Cravins	Irons	Ullo
Dardenne	Jones	
Duplessis	Kostelka	
Total—37		

NAYS

Total—0

ABSENT

Jackson	Lentini
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Hines moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 473—

BY REPRESENTATIVE DURAND

AN ACT

To enact R.S. 37:1285(G), (H), and (I), relative to the Louisiana State Board of Medical Examiners; to provide for strict limitations and conditions on staying or continuing an adjudication proceeding, decision, or order of the board prior to the issuance of a final decision; and to provide for related matters.

The bill was read by title. Senator Hines moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Jones
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Adley	Dupre	Malone
Amedee	Ellington	Marionneaux
Bajoie	Fields	McPherson
Barham	Fontenot	Michot
Boasso	Gautreaux, B	Mount
Boissiere	Gautreaux, N	Nevers
Cain	Hainkel	Romero
Chaisson	Heitmeier	Schedler
Cheek	Holden	Smith
Cravins	Hollis	Theunissen
Dardenne	Irons	Ullo
Total—36		

NAYS

Total—0

ABSENT

Jackson	Kostelka	Lentini
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Hines moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 531—

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 9:315.11, relative to the calculation of child support; to provide for the determination of a party's income earning potential; to provide for the imputation of income; and to provide for related matters.

The bill was read by title. Senator N. Gautreaux moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Jones
Adley	Dupre	Malone
Amedee	Ellington	Marionneaux
Bajoie	Fields	McPherson
Barham	Fontenot	Michot
Boasso	Gautreaux, B	Mount
Boissiere	Gautreaux, N	Nevers
Cain	Hainkel	Romero
Chaisson	Heitmeier	Schedler
Cheek	Holden	Smith
Cravins	Hollis	Theunissen
Dardenne	Irons	Ullo
Total—36		

NAYS

Total—0

ABSENT

Jackson	Kostelka	Lentini
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator N. Gautreaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 561—

BY REPRESENTATIVES WALSWORTH, KATZ, AND THOMPSON

AN ACT

To enact R.S. 14:61, relative to unauthorized entry of a critical infrastructure; to define unauthorized entry of a critical infrastructure; to provide for penalties; and to provide for related matters.

The bill was read by title. Senator Barham moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Boissiere	Hainkel	Romero
Cain	Heitmeier	Schedler
Chaisson	Holden	Smith
Cheek	Hollis	Theunissen
Cravins	Irons	Ullo
Dardenne	Jones	
Duplessis	Kostelka	
Total—37		

NAYS

Total—0

ABSENT

Jackson	Lentini
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Barham moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 574—

BY REPRESENTATIVES MORRISH, BRUCE, AND ROMERO

AN ACT

To amend and reenact R.S. 15:572.4(D), relative to reprieve and pardon of offenders; to provide with respect to the time periods in which certain offenders may apply for a pardon or commutation of sentence; and to provide for related matters.

The bill was read by title. Senator Theunissen moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Jackson	Theunissen
Dardenne	Jones	Ullo

Duplessis	Kostelka
Total—35	

NAYS

Bajoie	Fields	Irons
Total—3		

ABSENT

Lentini
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 575—

BY REPRESENTATIVE BOWLER

AN ACT

To amend and reenact R.S. 9:315(C)(3) and 315.5, relative to child support awards; to provide for the definition of ordinary expenses; to provide for the definition of extraordinary expenses; and to provide for related matters.

The bill was read by title. Senator Lentini moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith

Dardenne
Duplessis
Total—39

Jackson	Theunissen
Jones	Ullo

NAYS

Total—0

ABSENT

Total—0

The Chair declared the bill was passed. The title was read and adopted. Senator Lentini moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 576—

BY REPRESENTATIVE BOWLER

AN ACT

To amend and reenact Civil Code Articles 571 and 573 and to repeal Code of Civil Procedure Article 3154.1, relative to usufructuaries; to provide for the giving of security; to provide for the type of security; to prohibit dispensing with security for certain testamentary usufructs; and to provide for related matters.

The bill was read by title. Senator Hainkel moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—39		

NAYS

Total—0

ABSENT

Total—0

The Chair declared the bill was passed. The title was read and adopted. Senator Hainkel moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Mr. President in the Chair

HOUSE BILL NO. 577—

BY REPRESENTATIVE JACKSON
AN ACT

To enact Code of Civil Procedure Article 224(11), relative to contempt of court; to provide for constructive contempt of court for making a false statement of a material fact for support enforcement services; to provide for contempt of court for failing to disclose a material fact for support enforcement services; and to provide for related matters.

The bill was read by title. Senator N. Gautreaux moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—39		

NAYS

Total—0

ABSENT

Total—0

The Chair declared the bill was passed. The title was read and adopted. Senator N. Gautreaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 640—

BY REPRESENTATIVES M. GUILLORY, MARTINY, RICHMOND,
BADON AND BROOME

AN ACT

To enact R.S. 14:106.3, relative to offenses affecting the general peace and order; to create the crime of unlawful exhibition of sexually explicit material in a motor vehicle; to provide for penalties; to provide for definitions; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and returned to the Calendar, subject to call.

HOUSE BILL NO. 750—

BY REPRESENTATIVES DURAND AND MURRAY
AN ACT

To amend and reenact R.S. 40:41(B) and (C)(2) and 61(A)(4) and to enact R.S. 40:41(J), relative to vital statistics; to provide for judicial use of birth certificates; to provide for judicial use of

death certificates; to clarify that an attorney may obtain birth or death certificates in a record only if he represents persons authorized to inspect or receive such certificates; to provide for the Department of Health and Hospitals to use vital statistic information; to provide for penalties; and to provide for related matters.

The bill was read by title. Senator McPherson moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—39		

NAYS

Total—0

ABSENT

Total—0

The Chair declared the bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 994—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 14:222.1, relative to the crime of unauthorized interception, interference with, or retransmission of services offered over a cable television system; to provide for definitions; to provide for penalties for violations; to provide relative to disposition of equipment; to provide for an effective date; to provide for elements of the crime; to provide for exceptions; and to provide for related matters.

Floor Amendments Sent Up

Senator Holden sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Holden to Reengrossed House Bill No. 994 by Representative Martiny

AMENDMENT NO. 1

On page 3, line 14, after “imprisoned for not” delete the remainder of the line and delete line 15 and insert “more than two years, or both.”

On motion of Senator Holden, the amendments were adopted.

The bill was read by title. Senator Chaisson moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—39		

NAYS

Total—0

ABSENT

Total—0

The Chair declared the amended bill was passed. The title was read and adopted. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Senator Adley in the Chair

HOUSE BILL NO. 1039—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 27:52(2)(g) and to enact Chapter 5-A of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:560.1 through 560.3, relative to Louisiana agricultural development; to provide for definitions; to prohibit limitations on agricultural and aquacultural markets; to provide relative to the Riverboat Gaming Commission; and to provide for related matters.

The bill was read by title. Senator Smith moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Jackson
Amedee	Dupre	Jones
Bajoie	Ellington	Kostelka
Barham	Fields	Malone
Boasso	Fontenot	McPherson
Boissiere	Gautreaux, B	Mount
Cain	Gautreaux, N	Nevers
Chaisson	Heitmeier	Smith
Cheek	Holden	Theunissen
Dardenne	Irons	
Total—29		

NAYS

Cravins	Marionneaux	Schedler
Hollis	Michot	Ullo
Lentini	Romero	
Total—8		

ABSENT

Adley	Hainkel
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1111—

BY REPRESENTATIVE TOOMY

AN ACT

To amend and reenact R.S. 40:1049(E), relative to transactions involving proceeds from drug offenses; to provide that the term of imprisonment be served with or without hard labor; and to provide for related matters.

The bill was read by title. Senator Chaisson moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Jackson	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	
Total—38		

NAYS

Total—0

ABSENT

Irons
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1330—

BY REPRESENTATIVE JOHN SMITH
AN ACT

To enact R.S. 33:1429.1, relative to law enforcement; to authorize certain sheriffs to engage in cooperative endeavors with other law enforcement agencies within the parish for law enforcement purposes, including providing funds to other law enforcement agencies in the parish; to provide limitations; and to provide for related matters.

The bill was read by title. Senator Cain moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Total—38		

NAYS

Total—0

ABSENT

Kostelka
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Cain moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 178—

BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 18:423(C), relative to the composition of parish boards of election supervisors; to remove provisions relative to the membership of the parish board of election supervisors in a particular parish; to provide for similar membership in all parish boards of election supervisors; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and returned to the Calendar, subject to call.

HOUSE BILL NO. 189—

BY REPRESENTATIVES WINSTON, KATZ, LABRUZZO, WADDELL AND BRUCE AND SENATOR BAJOE

AN ACT

To enact R.S. 45:844.12(4)(i) and (j), relative to telephone solicitation; to exempt calls from optometrists, dentists, and chiropractic physicians to their patients from definition of solicitation; to exempt calls from veterinarians to their clients from definition of solicitation; and to provide for related matters.

The bill was read by title. Senator Nevers moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Fields	McPherson
Amedee	Fontenot	Michot
Bajoie	Gautreaux, B	Mount
Barham	Gautreaux, N	Nevers
Boasso	Hainkel	Romero
Boissiere	Heitmeier	Schedler
Chaisson	Holden	Smith
Cheek	Hollis	Theunissen
Cravins	Irons	Ullo
Dardenne	Jones	
Duplessis	Kostelka	
Total—34		

NAYS

Cain	Jackson	Marionneaux
Ellington	Lentini	
Total—5		

ABSENT

Total—0

The Chair declared the bill was passed. The title was read and adopted. Senator Nevers moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 217—

BY REPRESENTATIVES MARTINY AND DAMICO AND SENATORS BOSSIERE AND ULLO

AN ACT

To enact R.S. 44:4(40), relative to records of public bodies; to exempt certain records pertaining to security systems and features, interior layouts of residences, and certain proprietary information submitted to obtain individual building permits from public records laws; and to provide for related matters.

The bill was read by title. Senator Ullo moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	

Total—38

NAYS

Total—0

ABSENT

Jackson
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 409—

BY REPRESENTATIVES DAMICO, ANSARDI, LANCASTER, MARTINY, AND TOOMY AND SENATORS BOISSIERE, LENTINI, AND ULLO

AN ACT

To enact R.S. 13:5112.1, relative to the production of documents by governmental entities; to provide relative to subpoena duces tecum; to provide for the reimbursement of costs incurred; to provide for disputes of the costs incurred; to provide for procedures; to provide for service and delays for production; to provide for a definition of "governmental entity"; to provide for applicability to the present laws of discovery and evidence; and to provide for related matters.

Floor Amendments Sent Up

Senator Dardenne sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Reengrossed House Bill No. 409 by Representative Damico

AMENDMENT NO. 1

On page 1, line 17, after "paid," insert the following:

"A governmental entity shall afford a party, upon request, the opportunity to copy or duplicate, at the party's expense, any document, record or other item produced in response to the subpoena duces tecum."

On motion of Senator Dardenne, the amendments were adopted.

Floor Amendments Sent Up

Senator Hainkel sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hainkel to Reengrossed House Bill No. 409 by Representative Damico

AMENDMENT NO. 1

On page 1, line 16, change "reasonable" to "actual"

On motion of Senator Hainkel, the amendments were adopted.

The bill was read by title. Senator Ullo moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Adley	Fields	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Dupre	Kostelka	

Total—38

NAYS

Total—0

ABSENT

Boasso
Total—1

The Chair declared the amended bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 447—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 6:969.18(A), relative to documentation fees authorized under the Motor Vehicle Sales Finance Act; to clarify the types of persons who can properly charge documentation fees; and to provide for related matters.

The bill was read by title. Senator Hollis moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Adley	Fields	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Boissiere	Heitmeier	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Dupre	Kostelka	
Total—38		

NAYS

Total—0

ABSENT

Cheek
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Hollis moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 492—

BY REPRESENTATIVE WRIGHT
AN ACT

To amend and reenact R.S. 44:31(B) and 32(C)(1)(d), relative to public records; to allow persons under the age of majority to receive a copy or reproduction of a public record; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and returned to the Calendar, subject to call.

Mr. President in the Chair**Rules Suspended**

Senator Ellington asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

June 2, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 134—

BY SENATOR MARIONNEAUX AND REPRESENTATIVES
CAZAYOUX AND ST. GERMAIN

A CONCURRENT RESOLUTION

To urge and request the governor of the state of Louisiana to issue an executive order or proclamation declaring Pointe Coupee Parish and Iberville Parish as disaster areas.

Reported without amendments.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House**DISAGREEMENT TO HOUSE BILL**

June 2, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 1363 by Representative Winston, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House**DISAGREEMENT TO HOUSE BILL**

June 2, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 733 by Representative Jack Smith, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Message from the House

DISAGREEMENT TO HOUSE BILL

June 2, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 1015 by Representative Lancaster, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

**Introduction of Resolutions,
Senate and Concurrent**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 106—
BY SENATOR HOLDEN

A RESOLUTION

To express the condolences of the Louisiana legislature upon the death of Georgia Durbin Sanders, longtime friend to the citizens of Louisiana.

On motion of Senator Holden, the resolution was read by title and adopted.

SENATE RESOLUTION NO. 107—
BY SENATOR MICHOT

A RESOLUTION

To commend and congratulate the University of Louisiana at Lafayette's Team CajunBot for its outstanding achievements in the development of the CajunBot to date and extend best wishes for continued success in the next Grand Challenge.

On motion of Senator Michot, the resolution was read by title and adopted.

SENATE CONCURRENT RESOLUTION NO. 136—
BY SENATOR JACKSON

A CONCURRENT RESOLUTION

To continue and provide for the Louisiana Task Force on Indigent Defense Services.

The resolution was read by title. Senator Jackson moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Holden	Nevers
Chaisson	Hollis	Romero
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—33		

NAYS

Total—0

ABSENT

Boasso	Fields	Lentini
Cheek	Heitmeier	Schedler
Total—6		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 137—
BY SENATOR HOLDEN

A CONCURRENT RESOLUTION

To direct the attention of the State Board of Elementary and Secondary Education to provisions of law regarding the use or consideration of the proceeds derived from the imposition of any sales tax levied and collected by a parish or city school board in the formula adopted by the board and submitted to the legislature for approval as required by Article VIII, Section 13(B) of the constitution for the allocation of funds to insure a minimum foundation program of education in all public elementary and secondary schools, and to urge the board to consider the provisions of the law when developing and adopting such formula.

The resolution was read by title. Senator Holden moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Holden	Nevers
Chaisson	Hollis	Romero

Cheek	Irons	Smith
Cravins	Jackson	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	
Dupre	Lentini	
Total—34		

NAYS

Total—0

ABSENT

Adley	Fields	Schedler
Boasso	Heitmeier	
Total—5		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 138—
BY SENATOR JACKSON

A CONCURRENT RESOLUTION

To urge and request the Board of Regents to study the creation of the Louisiana State University Health Sciences Center in Shreveport as a statutorily defined component of Louisiana State University under the supervision and management of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College.

The resolution was read by title. Senator Jackson moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Dupre	Lentini	
Total—34		

NAYS

Total—0

ABSENT

Adley	Fields	Schedler
Boasso	Kostelka	
Total—5		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 139—
BY SENATOR JACKSON

A CONCURRENT RESOLUTION

To direct the Joint Legislative Committee on the Budget to create a task force to study the practices and standards followed by departments and agencies of the executive branch of state government, with respect to contracting with nonprofit organizations, in order to better assist such organizations in developing consistent professional standards of excellence applicable to such contracts.

The resolution was read by title. Senator Jackson moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Dupre	Kostelka	
Total—37		

NAYS

Total—0

ABSENT

Adley	Schedler
Total—2	

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 140—
BY SENATOR FIELDS

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Board of Private Investigator Examiners to take appropriate steps to provide for the offering of courses in private investigation at Southern University.

The resolution was read by title. Senator Fields moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
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Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Dupre	Kostelka	
Total—37		

NAYS

Total—0

ABSENT

Adley	Schedler
-------	----------

Total—2

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

June 2, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 258— BY REPRESENTATIVE CRANE AND SENATOR ULLO AN ACT

To amend and reenact R.S. 17:1951, relative to the special school district; to specify that children with exceptionalities enrolled in state-operated facilities and receiving special education services provided by the special school district shall be enrolled as residents of such facilities; to specify that eligible children enrolled in state-operated mental health facilities and receiving appropriate educational services by the special school district shall be enrolled as residents of such facilities; to authorize the special school district to enter into certain interagency agreements; to provide appropriate services to certain children who are not residents of state-operated facilities and to eligible individuals enrolled as residents in state-operated facilities; and to provide for related matters.

HOUSE BILL NO. 836— BY REPRESENTATIVES GLOVER AND HOPKINS AN ACT

To amend and reenact R.S. 11:3724(8), as enacted by Act No. 74 of the 1991 Regular Session of the Legislature of Louisiana, relative to the Police Pension and Relief Fund of the City of Shreveport; to provide relative to survivor benefits; to repeal R.S. 11:3724(8) as amended and reenacted by prior Acts of the Legislature of Louisiana; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 870— BY REPRESENTATIVES TUCKER, DOERGE, GALLOT, HEBERT, HILL, KENNARD, MONTGOMERY, JOHN SMITH, ST. GERMAIN, TRAHAN, TRICHE, AND WALSWORTH AND SENATOR BOSSIERE AN ACT

To amend and reenact R.S. 11:2257(F)(2) and (H), relative to the Firefighters' Retirement System; to provide definitions of terms; to remove the authorization for retired members to participate in the Deferred Retirement Option Plan; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 910— BY REPRESENTATIVES LANCASTER, BURRELL, DARTEZ, GLOVER, PITRE, ST. GERMAIN, AND TRICHE AN ACT

To amend and reenact R.S. 24:35.5(A)(introductory paragraph), (2), (4), (51), (54), (55), and (60) and (C) and to enact R.S. 24:35.5(B)(3), to provide for the composition of certain House of Representatives districts; to provide for the composition of House of Representatives Districts Nos. 2, 4, 51, 54, 55, and 60; to provide for the precincts used to compose the districts for the House of Representatives; to provide for effectiveness; and to provide for related matters.

HOUSE BILL NO. 938— BY REPRESENTATIVE TUCKER AN ACT

To enact R.S. 11:266.1(E), relative to the state retirement systems; to provide relative to investment requirements; to provide for reporting; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 1448— BY REPRESENTATIVES ODINET AND HUTTER AN ACT

To enact R.S. 17:85.5 and 85.6, relative to naming certain athletic facilities; to authorize the parish school board in certain parishes to name a baseball stadium and a gymnasium in honor of a former coach and a former teacher, respectively; to provide limitations; and to provide for related matters.

HOUSE BILL NO. 1636— BY REPRESENTATIVE GLOVER AN ACT

To amend and reenact R.S. 18:102(A)(2), 102.1, 104(A)(6), and 172, relative to interdicted voters; to provide for ineligibility to vote of persons under full interdiction; to provide for voting rights for persons under limited interdiction under certain circumstances; and to provide for related matters.

HOUSE BILL NO. 1647—BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact R.S. 25:380.35(A), relative to the Garyville Timbermill Museum; to provide with respect to the transfer of ownership of the building known as the St. John the Baptist theater to the museum; to provide for acceptance of the transfer by the board; and to provide for related matters.

HOUSE BILL NO. 1656—BY REPRESENTATIVE WRIGHT
AN ACT

To enact R.S. 33:3834.1, relative to water supply; to provide that the governing authorities of waterworks systems are not required to hire an engineer for certain public works; and to provide for related matters.

HOUSE BILL NO. 1682—BY REPRESENTATIVES HONEY AND DANIEL
AN ACT

To amend and reenact R.S. 12:202.1(C), relative to quasi-public nonprofit corporations; to provide that such corporation created to acquire and operate a public transportation system in East Baton Rouge Parish is a political subdivision; to provide that the assets of such corporation are public property; and to provide for related matters.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

House Bills and Joint Resolutions on First Reading

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE BILL NO. 258—BY REPRESENTATIVE CRANE AND SENATOR ULLO
AN ACT

To amend and reenact R.S. 17:1951, relative to the special school district; to specify that children with exceptionalities enrolled in state-operated facilities and receiving special education services provided by the special school district shall be enrolled as residents of such facilities; to specify that eligible children enrolled in state-operated mental health facilities and receiving appropriate educational services by the special school district shall be enrolled as residents of such facilities; to authorize the special school district to enter into certain interagency agreements; to provide appropriate services to certain children who are not residents of state-operated facilities and to eligible individuals enrolled as residents in state-operated facilities; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 836—BY REPRESENTATIVES GLOVER AND HOPKINS
AN ACT

To amend and reenact R.S. 11:3724(8), as enacted by Act No. 74 of the 1991 Regular Session of the Legislature of Louisiana, relative to the Police Pension and Relief Fund of the City of Shreveport;

to provide relative to survivor benefits; to repeal R.S. 11:3724(8) as amended and reenacted by prior Acts of the Legislature of Louisiana; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 870—BY REPRESENTATIVES TUCKER, DOERGE, GALLOT, HEBERT,
HILL, KENNARD, MONTGOMERY, JOHN SMITH, ST. GERMAIN,
TRAHAN, TRICHE, AND WALSWORTH AND SENATOR BOSSIERE
AN ACT

To amend and reenact R.S. 11:2257(F)(2) and (H), relative to the Firefighters' Retirement System; to provide definitions of terms; to remove the authorization for retired members to participate in the Deferred Retirement Option Plan; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 910—BY REPRESENTATIVES LANCASTER, BURRELL, DARTEZ,
GLOVER, PITRE, ST. GERMAIN, AND TRICHE
AN ACT

To amend and reenact R.S. 24:35.5(A)(introductory paragraph), (2), (4), (51), (54), (55), and (60) and (C) and to enact R.S. 24:35.5(B)(3), to provide for the composition of certain House of Representatives districts; to provide for the composition of House of Representatives Districts Nos. 2, 4, 51, 54, 55, and 60; to provide for the precincts used to compose the districts for the House of Representatives; to provide for effectiveness; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 938—BY REPRESENTATIVE TUCKER
AN ACT

To enact R.S. 11:266.1(E), relative to the state retirement systems; to provide relative to investment requirements; to provide for reporting; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1448—BY REPRESENTATIVES ODINET AND HUTTER
AN ACT

To enact R.S. 17:85.5 and 85.6, relative to naming certain athletic facilities; to authorize the parish school board in certain parishes to name a baseball stadium and a gymnasium in honor of a former coach and a former teacher, respectively; to provide limitations; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1636—BY REPRESENTATIVE GLOVER
AN ACT

To amend and reenact R.S. 18:102(A)(2), 102.1, 104(A)(6), and 172, relative to interdicted voters; to provide for ineligibility to vote of persons under full interdiction; to provide for voting rights for persons under limited interdiction under certain circumstances; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1647—

BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact R.S. 25:380.35(A), relative to the Garyville Timbermill Museum; to provide with respect to the transfer of ownership of the building known as the St. John the Baptist theater to the museum; to provide for acceptance of the transfer by the board; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1656—

BY REPRESENTATIVE WRIGHT
AN ACT

To enact R.S. 33:3834.1, relative to water supply; to provide that the governing authorities of waterworks systems are not required to hire an engineer for certain public works; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1682—

BY REPRESENTATIVES HONEY AND DANIEL
AN ACT

To amend and reenact R.S. 12:202.1(C), relative to quasi-public nonprofit corporations; to provide that such corporation created to acquire and operate a public transportation system in East Baton Rouge Parish is a political subdivision; to provide that the assets of such corporation are public property; and to provide for related matters.

The bill was read by title; lies over under the rules.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

June 2, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 254—

BY REPRESENTATIVE WRIGHT
A CONCURRENT RESOLUTION

To urge and request the Board of Regents to study the advantages and disadvantages of having a member of the House Committee on Education and a member of the Senate Committee on Education serve as members of the Board of Regents and to submit a written report of its findings and recommendations to

the House Committee on Education and the Senate Committee on Education prior to the beginning of the 2005 Regular Session.

HOUSE CONCURRENT RESOLUTION NO. 255—

BY REPRESENTATIVE WRIGHT
A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to study the advantages and disadvantages of having a member of the House Committee on Education and a member of the Senate Committee on Education serve as members of the State Board of Elementary and Secondary Education and to submit a written report of its findings and recommendations to the House Committee on Education and the Senate Committee on Education prior to the beginning of the 2005 Regular Session.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

**House Concurrent Resolutions
on First Reading**

The following House Concurrent Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE CONCURRENT RESOLUTION NO. 254—

BY REPRESENTATIVE WRIGHT
A CONCURRENT RESOLUTION

To urge and request the Board of Regents to study the advantages and disadvantages of having a member of the House Committee on Education and a member of the Senate Committee on Education serve as members of the Board of Regents and to submit a written report of its findings and recommendations to the House Committee on Education and the Senate Committee on Education prior to the beginning of the 2005 Regular Session.

The resolution was read by title; lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 255—

BY REPRESENTATIVE WRIGHT
A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to study the advantages and disadvantages of having a member of the House Committee on Education and a member of the Senate Committee on Education serve as members of the State Board of Elementary and Secondary Education and to submit a written report of its findings and recommendations to the House Committee on Education and the Senate Committee on Education prior to the beginning of the 2005 Regular Session.

The resolution was read by title; lies over under the rules.

Message from the House**SIGNED HOUSE CONCURRENT RESOLUTIONS**

June 2, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 5—

BY REPRESENTATIVES WALKER, BROOME, BURNS, R. CARTER, CURTIS, DOERGE, DORSEY, DURAND, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, KATZ, LABRUZZO, MARCHAND, MCDONALD, STRAIN, WADDELL, AND WINSTON AND SENATORS CHAISSON, CHEEK, N. GAUTREAUX, MCPHERSON, AND SCHEDLER

A CONCURRENT RESOLUTION

To memorialize the United States Congress to study and consider revising the income guidelines for senior citizens and reduce them by ten percent so that they may participate in or receive more assistance through the federal food stamp program.

HOUSE CONCURRENT RESOLUTION NO. 14—

BY REPRESENTATIVE TUCKER

A CONCURRENT RESOLUTION

To express that the intent of the Louisiana Legislature in enacting Act No. 351 of the 2003 Regular Session, relative to creating a flexible rating process for property and casualty insurance rates, was to restrict any one insurance company to cumulatively increasing such rates by not more than ten percent in any twelve-month period following January 1, 2004, using such flexible rating process.

HOUSE CONCURRENT RESOLUTION NO. 32—

BY REPRESENTATIVES WALKER AND CROWE

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Police to increase public awareness of the existence of Louisiana's Sex Offender Registry through the use of public service announcements, including but not limited to providing information on how to access and search the database.

HOUSE CONCURRENT RESOLUTION NO. 59—

BY REPRESENTATIVES WINSTON AND DURAND

A CONCURRENT RESOLUTION

To continue and provide with respect to the Task Force on Legal Representation in Child Protection Cases created in the 2003 Regular Session pursuant to House Concurrent Resolution No. 44.

HOUSE CONCURRENT RESOLUTION NO. 62—

BY REPRESENTATIVE ODINET

A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries and the Department of Health and Hospitals to study the correlation between nighttime water and air temperature and the development of *Vibrio vulnificus* in oysters harvested during those times.

HOUSE CONCURRENT RESOLUTION NO. 65—

BY REPRESENTATIVE ODINET

A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries to study the development and implementation of a plan for the management of nuisance fish around oyster beds.

HOUSE CONCURRENT RESOLUTION NO. 68—

BY REPRESENTATIVES ODINET AND HUTTER AND SENATOR BOASSO

A CONCURRENT RESOLUTION

To memorialize the United States Congress, the Louisiana Congressional Delegation, and the United States Army Corps of Engineers to promptly close the Mississippi River Gulf Outlet in the manner contemplated by the Coast 2050 Plan and to memorialize the United States Congress and the Louisiana Congressional Delegation to authorize the full funding capability of the United States Army Corps of Engineers for the Inner Harbor Navigation Canal lock project.

HOUSE CONCURRENT RESOLUTION NO. 80—

BY REPRESENTATIVE PIERRE

A CONCURRENT RESOLUTION

To approve the Coastal Wetlands Conservation and Restoration Plan for Fiscal Year 2004-2005, as adopted by the Wetlands Conservation and Restoration Authority.

HOUSE CONCURRENT RESOLUTION NO. 115—

BY REPRESENTATIVE ODINET

A CONCURRENT RESOLUTION

To urge and request the Department of Natural Resources to provide to the Louisiana Oyster Task Force information which would delineate the projected salinity regimes for a five-year period and a three-year projection of areas that will be restricted to oyster leasing.

HOUSE CONCURRENT RESOLUTION NO. 183—

BY REPRESENTATIVE WINSTON

A CONCURRENT RESOLUTION

To request the Department of Transportation and Development to study and reevaluate the necessity of installing a traffic signal at the intersection of Louisiana Highway 1077 and Louisiana Highway 1085 in St. Tammany Parish and to report such findings to the House and Senate Transportation, Highways and Public Works Committees within sixty days.

HOUSE CONCURRENT RESOLUTION NO. 184—

BY REPRESENTATIVE DOVE AND SENATORS DUPRE AND B. GAUTREAUX

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to study the feasibility of four-laning Louisiana Highway 311 in Terrebonne Parish from Barrow Street to Savanne Road.

HOUSE CONCURRENT RESOLUTION NO. 233—

BY REPRESENTATIVE SMILEY

A CONCURRENT RESOLUTION

To commend Lawrence Callender upon his receipt of the 2004 Louisiana Emergency Preparedness Association (LEPA) Award.

HOUSE CONCURRENT RESOLUTION NO. 227—

BY REPRESENTATIVES PINAC, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, GALLOT, GEYMAN, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, LABRUZZO, LAFLEUR, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, ODINET, PIERRE, PITRE, M. POWELL, T. POWELL,

QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, ROMERO, SALTER, SCALISE, SCHNEIDER, SHEPHERD, SMILEY, GARY SMITH, JACKSMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT AND SENATOR MARIONNEAUX

A CONCURRENT RESOLUTION

To commend the Honorable John D. Travis on the occasion of his retirement for a lifetime of dedicated public service.

HOUSE CONCURRENT RESOLUTION NO. 230—

BY REPRESENTATIVES DORSEY, DANIEL, FUTRELL, ALARIO, ALEXANDER, ANSARDI, BADON, BALDONE, BAUDOIN, BEARD, BOWLER, BROOME, K. CARTER, CAZAYOUX, CRANE, CURTIS, DAMICO, DARTEZ, DEWITT, DOVE, DURAND, FANNIN, FAUCHEUX, FLAVIN, FRITH, GALLOT, GEYMAN, GLOVER, GRAY, E. GUILLORY, HEBERT, HILL, HONEY, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KENNARD, KENNEY, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRISH, MURRAY, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, ROMERO, SALTER, SCHNEIDER, GARY SMITH, JOHN SMITH, ST. GERMAIN, THOMPSON, TOWNSEND, TRAHAN, TUCKER, WALKER, WALSWORTH, AND WHITE AND SENATOR FIELDS

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death in the line of duty of Lieutenant Vickie Salassi Wax of the Baton Rouge Police Department.

HOUSE CONCURRENT RESOLUTION NO. 231—

BY REPRESENTATIVES LAMBERT, QUEZAIRE, AND SMILEY AND SENATOR AMEDEE

A CONCURRENT RESOLUTION

To commend the Dutchtown High School Baseball Team for winning the Class 4A State Baseball Championship.

HOUSE CONCURRENT RESOLUTION NO. 232—

BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Johnnie Mae Williams.

HOUSE CONCURRENT RESOLUTION NO. 234—

BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Katherine Hall.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

Message from the House

**SIGNED HOUSE BILLS AND
JOINT RESOLUTIONS**

June 2, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Bills and Joint Resolutions:

HOUSE BILL NO. 17—

BY REPRESENTATIVES BOWLER AND MURRAY

AN ACT

To amend and reenact R.S. 9:292, relative to the use of surnames by married persons; to provide for the use of a deceased spouse's surname; to provide for the use of a present spouse's surname; and to provide for related matters.

HOUSE BILL NO. 97—

BY REPRESENTATIVE SALTER

AN ACT

To enact Children's Code Article 815(E), relative to preadjudication custody of children; to provide with respect to the costs of such custody; to provide for the responsibility of bearing such costs; and to provide for related matters.

HOUSE BILL NO. 121—

BY REPRESENTATIVES TOOMY, ANSARDI, BOWLER, DAMICO, LANCASTER, MARTINY, SHEPHERD, AND WOOTON AND SENATORS BOISSIERE, LENTINI, AND ULLO

AN ACT

To amend and reenact R.S. 13:2561.2(A), 2561.4, 2562.2(A), and 2562.4, relative to parish courts; to limit the civil jurisdiction of the First and Second Parish Courts for Jefferson Parish; and to provide for related matters.

HOUSE BILL NO. 132—

BY REPRESENTATIVE JOHNS

AN ACT

To enact R.S. 15:254.8, relative to compensation of off-duty law enforcement officers subpoenaed to testify in the mayor's court of Vinton; to require the clerk of the town of Vinton to pay witness fees when off-duty law enforcement officers are subpoenaed to testify; to provide for certification requirements; to provide for maximum allowable fees; and to provide for related matters.

HOUSE BILL NO. 155—

BY REPRESENTATIVES MARTINY, ANSARDI, DAMICO, LANCASTER, SCALISE, TOOMY, AND WOOTON AND SENATORS BOISSIERE, LENTINI, AND ULLO

AN ACT

To amend and reenact R.S. 15:705(A)(2), relative to food and clothing provisions for prisoners; to provide with respect to reimbursement from an inmate for certain expenses associated with incarceration; and to provide for related matters.

HOUSE BILL NO. 880—

BY REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 47:1522, relative to the Department of Revenue; to authorize the secretary to enter into contracts to conduct alternative dispute resolution to assist in the collection of any taxes, penalties, or interest due; to limit the total tax liability subject to arbitration or mediation to five million dollars; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 1472—BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 35:281, relative to the certain filings with the board of assessors in Orleans Parish; to require taxpayers to notify the board of change; and to provide for related matters.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

The House Bills and Joint Resolutions contained herein were signed by the President of the Senate.

**Privilege Report of the Committee on
Senate and Governmental Affairs****ENROLLMENTS**

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

June 2, 2004

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Concurrent Resolution has been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 133—

BY SENATOR HINES

A CONCURRENT RESOLUTION

To proclaim June 3, 2004 as "Louisiana Senior Day".

Respectfully submitted,
CHARLES D. JONES
Chairman

The foregoing Senate Concurrent Resolution was signed by the President of the Senate.

Adjournment

Senator Bajoie moved that the Senate adjourn until Thursday, June 3, 2004, at 1:30 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:30 o'clock P.M. on Thursday, June 3, 2004.

GLENN A. KOEPP
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk

